

**ORDER OF AN EXECUTIVE OFFICER
UNFIT FOR HUMAN HABITATION
ORDER TO VACATE**

To: Margarete Hofmann
"the Owner"

And To: All Occupant(s) of the following Housing premises: 1506 1 Street NW Calgary, AB

RE: Those housing premises located in Calgary, Alberta and municipally described as:
1506 1 Street NW Calgary, AB T2M 2S8

WHEREAS I, an **Executive Officer** of **Alberta Health Services**, have inspected the above noted premises pursuant to the provisions of the **Public Health Act**, RSA 2000, c. P-37, as amended;

AND WHEREAS such inspection disclosed that the following conditions exist in and about the above noted premises which are or may become injurious or dangerous to the public health or which might hinder in any manner the prevention or suppression of disease, namely:

- a. The roof of the house is in disrepair; shingles are curled, buckling and falling off. A tarp has been placed over the front side of the roof.
- b. There is a large hole in the living room ceiling where it has given way to extensive water infiltration from roof disrepair. There is a pile of ceiling, insulation and attic debris on the floor below.
- c. There are a few smaller holes in the living room ceiling from water infiltration.
- d. The kitchen ceiling is bowing. The ceiling within the upper cupboards is water stained cracked, peeling.
- e. The wall above the front door is bowed and cracked.
- f. None of the front bedroom windows open to facilitate egress. Both windows are painted and nailed shut.
- g. There was no smoke alarm in the bedroom area.
- h. The back bedroom window lock does not work.
- i. Window sills and frames are moisture damaged, cracked and peeling.
- j. There is moisture damage on the ceiling in the bathroom.
- k. The seam of the kitchen wall behind the stove and parallel to the side door frame is warped leaving an opened gap.
- l. The surfaces of kitchen cupboard shelves are worn.
- m. The plumbing stack for the laundry is uncapped.
- n. The eavestrough down spouts are missing or disconnected. Icicles are hanging off of the unfinished eavestrough at the back of the house.
- o. The basement is not weatherproof. There are deep horizontal cracks in the exterior wall. Plants have grown from the exterior into the interior basement cupboard area of the back room. The paint along basement walls is cracked and peeling.
- p. Windows throughout are single pane.
- q. The shower head is missing.

AND WHEREAS such inspection disclosed that the following breaches of the Public Health Act and the Housing Regulation, Alberta Regulation 173/99, and the Minimum Housing and Health Standards exist in and about the above noted premises, namely:

- a. The roof of the house is in disrepair, shingles are curled, buckling and falling off. A tarp has been placed over the front side of the roof. This contravenes section III(1)(c) of the Minimum Housing and Health Standards which states that: Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- b. There is a large hole in the living room ceiling where it has given way to extensive water infiltration from roof disrepair. There is a pile of ceiling, insulation and attic debris on the floor below. This contravenes section III(5) of the Minimum Housing and Health Standards which states that: All walls, windows, ceilings, floors, and floor coverings shall be maintained in good repair, free of cracks, holes, loose or lifting coverings and in a condition that renders it easy to clean.
- c. There are a few smaller holes in the living room ceiling from water infiltration. This contravenes section III(5) of the Minimum Housing and Health Standards which states that: All walls, windows, ceilings, floors, and floor coverings shall be maintained in good repair, free of cracks, holes, loose or lifting coverings and in a condition that renders it easy to clean.
- d. The kitchen ceiling is bowing. The ceiling within the upper cupboards is water stained cracked, peeling. This contravenes section III(5) of the Minimum Housing and Health Standards which states that: All walls, windows, ceilings, floors, and floor coverings shall be maintained in good repair, free of cracks, holes, loose or lifting coverings and in a condition that renders it easy to clean.
- e. The wall above the front door is bowed and cracked. This contravenes section III(5) of the Minimum Housing and Health Standards which states that: All walls, windows, ceilings, floors, and floor coverings shall be maintained in good repair, free of cracks, holes, loose or lifting coverings and in a condition that renders it easy to clean.
- f. None of the front bedroom windows open to facilitate egress. Both windows are painted and nailed shut. This contravenes section III(3)(b) of the Minimum Housing and Health Standards which states that: For buildings of 3 storeys or less and except where a bedroom door provides access directly to the exterior or the suite is sprinklered, each bedroom shall have at least one outside window which may be opened from the inside without the use of tools or special knowledge. Section III(3)(b)(i) of the Minimum Housing and Health Standards which states that: Windows referred to above shall provide unobstructed openings with areas not less than 0.35 m² (3.8ft²), with no dimension less than 380 mm (15”).
- g. There was no smoke alarm in the bedroom area. This contravenes section IV(12) of the Minimum Housing and Health Standards which states that: Smoke alarms within dwellings shall be installed between each sleeping area and the remainder of the suite and, where hallways serve the sleeping areas; the smoke alarms shall be installed within the hallway.

- h. The back bedroom window lock does not work. This contravenes section III(3)(a) of the Minimum Housing and Health Standards which states that: Exterior windows and doors shall be capable of being secured.
- i. Window sills and frames are moisture damaged, cracked and peeling. This contravenes section III(5) of the Minimum Housing and Health Standards which states that: All walls, windows, ceilings, floors, and floor coverings shall be maintained in good repair, free of cracks, holes, loose or lifting coverings and in a condition that renders it easy to clean.
- j. There is moisture damage on the ceiling in the bathroom. This contravenes section III(5) of the Minimum Housing and Health Standards which states that: All walls, windows, ceilings, floors, and floor coverings shall be maintained in good repair, free of cracks, holes, loose or lifting coverings and in a condition that renders it easy to clean.
- k. The seam of the kitchen wall behind the stove and parallel to the side door frame is warped leaving an opened gap. This contravenes section III(5) of the Minimum Housing and Health Standards which states that: All walls, windows, ceilings, floors, and floor coverings shall be maintained in good repair, free of cracks, holes, loose or lifting coverings and in a condition that renders it easy to clean.
- l. The surfaces of kitchen cupboard shelves are worn. This contravenes section IV(14)(a)(ii) of the Minimum Housing and Health Standards which states that: Every housing premises shall be provided with a food preparation area, which includes: cupboards or other facilities suitable for the storage of food.
- m. The plumbing stack for the laundry is uncapped. This contravenes section 5(2) of the Housing Regulation, 2001 which states that: No person shall cause or permit any condition in housing premises that is or may become injurious or dangerous to the public health, including any condition that may hinder in any way the prevention or suppression of disease.
- n. The eavestrough down spouts are missing or disconnected. Icicles are hanging off of the unfinished eavestrough at the back of the house. This contravenes section III(1)(c) of the Minimum Housing and Health Standards which states that: Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- o. The basement is not weatherproof. There are deep horizontal cracks in the exterior wall. Plants have grown from the exterior into the interior basement cupboard area of the back room. The paint along basement walls is cracked and peeling. This contravenes section III of the Minimum Housing and Health Standards which states that: The owner shall ensure that the housing premises is structurally sound, in a safe condition, in good repair, and maintained in a waterproof, windproof and weatherproof condition.
- p. Windows throughout are single pane. This contravenes section III(2)(b)(ii) of the Minimum Housing and Health Standards which states that: In housing premises intended for use during the winter months, windows in habitable rooms shall protect against cold weather through the provision of a storm sash, double glazing, or other durable thermal/air resistant barrier as may be approved by the Executive Officer.

- q. The shower head is missing. This contravenes section IV(7) of the Minimum Housing and Health Standards which states that: Except where exempt by regulation, every housing premises shall be provided with plumbing fixtures of an approved type consisting of at least a flush toilet, a wash basin, and a bathtub or shower.

AND WHEREAS, by virtue of the foregoing, the above noted premises are hereby declared to be **Unfit for Human Habitation**.

NOW THEREFORE, I hereby **ORDER** and **DIRECT**:

1. That the occupants vacate the above noted premises on or before **November 24, 2015**.
2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Retain the services of a professional roofer to assess the entire roof and attic space (including eavestroughs and downspouts) and repair all deficiencies. Due to the age of the home, ensure all asbestos containing materials are handled in accordance with the current Alberta Asbestos Abatement Manual.
 - b. Contract a structural engineer to inspect and approve or provide a scope of work for the foundation of the house.
 - c. Assess all water affected areas of the house for the extent of water infiltration, water damage and mould contamination. Remove all water damaged and potentially mould contaminated materials (main floor and basement walls, ceilings, insulation and framing). Ensure the structure is sound. Clean and disinfect affected areas. Allow time to dry prior to reconstruction with new materials.
 - d. Retain the services of a certified electrician to assess the electrical, potentially affected by water infiltration and repair all deficiencies.
 - e. Modify an existing bedroom window or install a new bedroom window that has an unobstructed openable area of at least 3.8 square feet.
 - f. Install a smoke alarm and ensure it is operational.
 - g. Ensure all openable windows have effective locks installed.
 - h. Repair and resurface window frames and sills throughout.
 - i. Re-surface kitchen cupboard shelves so they are smooth, non-absorbent to moisture and easy to clean.
 - j. Cap the opened laundry plumbing stack.
 - k. Ensure all windows are weatherproof (double paned).
 - l. Install a shower head.
3. That until such time as the work referred to above is completed to the satisfaction of an Executive Officer of Alberta Health Services; the above noted premises shall remain vacant and secure from unauthorized entry.
4. The work referred to in paragraph 2 shall be completed by **February 24, 2016**.

The above conditions were noted at the time of inspection and may not necessarily reflect all deficiencies. You are advised that further work may be required to ensure full compliance with the Public Health Act and regulations, or to prevent a public health nuisance.

DATED at Calgary Alberta, November 24, 2015.

Confirmation of a verbal order issued, via voicemail, to Andrew Hofmann, property manager, on November 24, 2015.

Patricia Vernon, CPHI(C)
Executive Officer
Alberta Health Services

You have the right to appeal

A person who a) is directly affected by a decision of a Regional Health Authority, and
 b) feels himself aggrieved by the decision

may appeal the decision by submitting a Notice of Appeal form within ten (10) days after receiving the order to:

Public Health Appeal Board
c/o Central Reception
Main Floor, Telus Plaza North Tower
10025 Jasper Avenue NW
Edmonton, Alberta, T5J 1S6
Phone: 780-427-2813
Fax: 780-422-0914
Email: health.appealboard@gov.ab.ca

A Notice of Appeal form may be obtained by contacting Alberta Health Services at 780-342-0122 or by contacting the Public Health Appeal Board.

Health Legislation, Regulations and Standards

Electronic versions of the Public Health Act and Regulations are available at the Alberta Queen's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or www.qp.gov.ab.ca.

Health Legislation and regulations are available for purchase. Please contact Alberta Queen's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or www.qp.gov.ab.ca.

Copies of standards are available by contacting the Health Protection Branch of Alberta Health at 780-427-4518 or by visiting: www.health.alberta.ca/about/health-legislation.html

AIRDRIE Regional Health Centre

604 Main Street South
Airdrie, AB T4B 3K7
Phone: 403-912-8400
Fax: 403-912-8410

BANFF Health Unit

303 Lynx Street
PO Box 1266
Banff, AB T1L 1B3
Phone: 403-762-2990
Fax: 403-762-5570

CALGARY - Southport Atrium

10101 Southport Road SW
Calgary, AB T2W 3N2
Phone: 403-943-2288
Fax: 403-943-8056

CANMORE Public Health

#104, 800 Railway Avenue
Canmore, AB T1W 1P1
Phone: 403-678-5656
Fax: 403-678-5068

CLARESHOLM Health Unit

5221 2nd Street W
PO Box 1391
Claresholm, AB T0L 0T0
Phone: 403 625-4061
Fax: 403-625-4062

COCHRANE Community Health Centre

60 Grande Boulevard
Cochrane, AB T4C 0S4
Phone: 403-851-6000
Fax: 403- 851-6009

OKOTOKS Health and Wellness Centre

11 Cimarron Common
Okotoks, AB T1S 2E9
Phone: 403-995-2600
Fax: 403-995-2639

STRATHMORE Public Health Office

650 Westchester Road
Strathmore, AB T1P 1H8
Phone: 403-361-7200
Fax: 403-361-7244

www.albertahealthservices.ca/eph.asp