

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

**To:** Murray Cluff  
"the owner"

**And To:** All Occupant(s) of the following Housing premises:  
1717 43 Street NW, Calgary, Alberta

**RE:** Those housing premises located in Calgary, Alberta and municipally described as:  
1717 43 Street NW

**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 majority of the floors, walls, and ceilings in this house are in poor condition. There are several holes in walls, and parts of ceiling are missing. Baseboards, transition strips, and sections of floor throughout the house are also missing.
- b. There are several missing outlet covers.
- c. The house has no power or hot water. The occupants were stealing power from neighbouring properties.
- d. The basement has a strong mouldy odour.
- e. Water was constantly running from the basement to the garage causing stagnant water to pool all around the garage. The water could not be shut off using the main shut off valve in the basement.
- f. The handrail along the stairs to the basement is missing.
- g. There is evidence of a mouse infestation.
- h. There are no functioning smoke alarms in the house.
- i. The front porch is rotten in places and in very poor condition.
- j. The railing on the right side of the front porch is missing.
- k. There is a large hole in the tub surround and the materials such as insulation and wood behind the tiles are damaged and mouldy.
- l. There are several broken windows in the house.
- m. The back door is damaged and is no longer capable of being properly secured.
- n. Weather stripping is missing on both the front and back doors, and none of the windows in the house are weatherproof.
- o. There are drawers missing in the kitchen.
- p. The basement is being used for sleeping purposes, however, none of the windows meet egress requirements.
- q. Propane tanks and other combustibles are being stored all around the exterior of the house.
- r. Furnace is extremely old and rusted and may not be safe to operate.

- s. Not all exterior windows have tight-fitting insect screens.

**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 majority of the floors, walls, and ceilings in this house are in poor condition. There are several holes in walls, and parts of ceiling are missing. Baseboards, transition strips, and sections of floor throughout the house are also missing. This is in contravention of 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.
- b. There are several missing outlet covers. This is in contravention of section IV(11) of the Minimum Housing and Health Standards which states that: Every housing premises shall be supplied with electrical service. Outlets, switches and fixtures shall be properly installed and shall be maintained in a good and safe working condition.
- c. The house has no power or hot water. The occupants were stealing power from neighbouring properties. This is in contravention of section IV(8)(d) of the Minimum Housing and Health Standards which states that: Every owner of a housing premises shall ensure a continuous supply of electricity, water and heat unless the rental agreement stipulates that such utility services are the sole responsibility of the occupant.
- d. Water was constantly running from the basement to the garage and it could not be shut off using the main water valve in the basement. This is in contravention of section IV(6)(a) of the Minimum Housing and Health Standards which states that: The plumbing system and the sanitary drainage system or private sewage disposal system, as the case may be, including drains, fixtures, traps, vents, stacks, waste disposal facilities, pumpout sewage holding tanks, septic tanks and the disposal system shall be maintained in a proper operating condition.
- e. The handrail along the stairs to the basement is missing. This is in contravention of section III(3)(c) of the Minimum Housing and Health Standards which states that: Inside or outside stairs or porches including all treads, risers, supporting structural members, rails, guards and balconies, shall be maintained in good repair and shall comply with the requirements of the Alberta Building Code or a Professional Engineer design.
- f. There is evidence of a mouse infestation. This is in contravention of section V(16)(a) of the Minimum Housing and Health Standards which states that: The owner shall ensure that the housing premises are free of insect and rodent infestations.
- g. There are no functioning smoke alarms in the house. This is in contravention of section IV(12)(a) of the Minimum Housing and Health Standards which states that: Smoke alarms shall be operational and in good repair at all times.
- h. The front porch is rotten in places and in very poor condition. This is in contravention of 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, and section III(3)(c) of the Minimum Housing and Health Standards which states that: Inside or outside stairs or porches including all treads, risers, supporting structural members, rails, guards and balconies, shall be maintained in good repair and shall comply with the requirements of the Alberta Building Code or a Professional Engineer design.
- i. The railing on the right side of the front porch is missing. This is in contravention of section III(3)(c) of the Minimum Housing and Health Standards which states that: Inside or outside stairs or porches including all treads, risers, supporting structural members, rails, guards

- and balconies, shall be maintained in good repair and shall comply with the requirements of the Alberta Building Code or a Professional Engineer design.
- j. There is a large hole in the tub surround and the materials such as insulation and wood behind the tiles are damaged and mouldy. This is in contravention of section III(5)(a) of the Minimum Housing and Health Standards which states that: Rooms containing a flush toilet and/or a bathtub or shower shall have walls and floors that are smooth, non-absorbent to moisture and easy to clean. All walls shall form a watertight joint with each other, the floor, the ceiling and where applicable with the bathtub or shower.
  - k. There are several broken windows in the house. This is in contravention of section III(2)(b)(i) of the Minimum Housing and Health Standards which states that: All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof.
  - l. The back door was damaged and is no longer of being properly secured. This is in contravention of section III(2)(b)(i) of the Minimum Housing and Health Standards which states that: All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof.
  - m. Weather stripping is missing on both the front and back doors, and none of the windows in the house are weatherproof. This is in contravention of section III(2)(b)(i) of the Minimum Housing and Health Standards which states that: All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof.
  - n. There are drawers missing in the kitchen. This is in contravention of 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.
  - o. The basement is being used for sleeping purposes with no adequate egress. This is in contravention of 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. As well as 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 m<sup>2</sup> (3.8ft<sup>2</sup>), with no dimension less than 380 mm (15”).
  - p. Furnace is extremely old and rusted and may not be safe to operate. This is in contravention of section IV(8)(a)(i) of the Minimum Housing and Health Standards which states that: All heating facilities within a housing premises are to be properly installed and maintained in good working condition, and be *capable* of safely and adequately heating all habitable rooms, bathrooms, and toilet rooms within the building to a temperature of at least 220C(710F), or maintained at a temperature of at least 220C(710F) when the control of the supplied heat in a dwelling is the responsibility of a person other than the occupant.
  - q. Not all exterior windows have tight-fitting insect screens. This is in contravention of section III(2)(b)(iii) of the Minimum Housing and Health Standards which states that: During the portion of the year when there is a need for protection against flies and other flying insects, every window or other device intended for ventilation shall be supplied with effective screens.

**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 July 29, 2014.
2. That the owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
  - a. Repair all damaged floors, walls, and ceilings and ensure all baseboards and transition strips are installed throughout house.
  - b. Replace all missing outlet covers.
  - c. Ensure the house has utilities available.
  - d. Find and rectify the source of the mouldy odour.
  - e. Ensure the water valve in the basement is capable of shutting off the water, and refrain from allowing the water to pool around the exterior of the house.
  - f. Install a handrail along the stairs to the basement.
  - g. Eradicate the mouse infestation.
  - h. Ensure there are functional smoke alarms in the house.
  - i. Repair/replace the front porch.
  - j. Replace the railing on the right side of the front porch.
  - k. Remove all damaged materials behind the tub surround, replace with new materials, and then re-finish the tub surround to ensure it is smooth, easily cleanable and impervious to moisture.
  - l. Replace all broken windows.
  - m. Repair/replace the back door.
  - n. Replace weather stripping on front and back door.
  - o. Replace missing drawers in the kitchen.
  - p. The basement must not be used for sleeping purposes, or one of the windows must be replaced with one that meets egress requirements.
  - q. Propane tanks and other combustibles must be removed from the exterior of the house.
  - r. The furnace must be professionally inspected and then repaired or replaced as per the direction given by the inspector.
  - s. Ensure all exterior windows have tight-fitting insect screens. .
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 above repairs should be completed by September 30, 2014.

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, August 5, 2014

Confirmation of a verbal order issued to Murray Cluff, on July 30, 2014.

Erin McKenna BSc, BEH(AD), 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 within ten (10) days after receiving the order to the Public Health Appeal Board located at Reception, Main Floor. Telus Plaza, 10025 Jasper Avenue, Edmonton, Alberta, T5J 1S6, Telephone 780-427-2813 Fax 780-422-0914.

The terms of this Order remain in effect notwithstanding the filing or proposed filing of any such appeal. If you appeal, you may also make an application to the Board for a stay of this Order pending the appeal.

A copy of the Public Health Appeal form may be obtained by contacting Alberta Health Services at 780-342-0122 or the Public Health Appeal Board 780-427-2813.

You are advised that all orders remain in effect pending such an appeal

**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](http://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](http://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](http://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 2<sup>nd</sup> 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](http://www.albertahealthservices.ca/eph.asp)