

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

**To:** Allan Zindler  
"the owner"

**RE:** Those housing premises located in **Calgary**, Alberta and municipally described as:

**1120 16 Avenue SW - Unit 2  
Calgary, AB  
T2R 0T6**

**WHEREAS** I, an **Executive Officer** of **Alberta Health Services**, have inspected the above 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 the prevention or suppression of disease, namely:

- a. **Three breaches in the flat roof deck were noted from inside the rental unit. Wood was rotting and water was infiltrating where the roof deck was breached. Also, the roof and flashing were compromised on the exterior of the unit where the wall meets the roof.**
- b. **The ceiling was leaking in several places in the bedroom and living room. The ceiling insulation and ceiling drywall had been removed in the bedroom exposing roof wood deck. Buckets were being used to catch water in the living room. The ceiling in the living room showed signs of water staining.**
- c. **The bedroom window was boarded and nailed shut.**
- d. **As a result of the roof being in disrepair, floor coverings had been removed leaving the bare subfloor. The subfloor was damaged by water infiltration through the roof.**
- e. **The walls in the bedroom were stripped down to the studs. The wall and insulation were both removed.**
- f. **Baseboards were missing throughout the rental unit.**
- g. **Smoke alarm was missing.**
- h. **The furnace was not operational at the time of inspection.**
- i. **Rental dwelling was not supplied with a proper food preparation area because refrigerator was missing.**
- j. **Rental dwelling was not supplied with a proper food preparation area because oven and stove were missing.**
- k. **The enamel was wearing away and the drain cover in the kitchen sink was rusted.**
- l. **Plastic shower stall wall was cracked in the bathroom.**

- m. The caulking where the shower wall meets the shower base was cracked, mouldy, and in poor condition.
- n. The vinyl floor in the bathroom was cracked around the toilet.
- o. The toilet base was not properly sealed to the floor. The caulking was separated from the toilet due to cracked flooring and because the caulking dried out.

**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. Three breaches in the flat roof deck were noted from inside the rental unit. Wood was rotting and water was infiltrating where the roof deck was breached. Also, the roof and flashing were compromised on the exterior of the unit where the wall meets the roof which is in contravention of Section 2 (a) of the Minimum Housing and Health Standards.
- b. The ceiling was leaking in several places in the bedroom and living room. The ceiling insulation and ceiling drywall had been removed in the bedroom exposing roof wood deck. Buckets were being used to catch water in the living room. The ceiling in the living room showed signs of water staining. This is in contravention of Section 1 (b) & (d) of the Minimum Housing and Health Standards.
- c. The bedroom window was boarded and nailed shut which is in contravention of Section 3 (b) of the Minimum Housing and Health Standards.
- d. As a result of the roof being in disrepair, floor coverings had been removed leaving the bare subfloor. The subfloor was damaged by water infiltration through the roof.
- e. The walls in the bedroom were stripped down to the studs. The wall and insulation were both removed. This is in contravention of Section 5 of the Minimum Housing and Health Standards.
- f. Baseboards were missing throughout the rental unit which is in contravention of Section 5 of the Minimum Housing and Health Standards.
- g. Smoke alarm was missing which is in contravention of Section 12 of the Minimum Housing and Health Standards.
- h. The furnace was not operational at the time of inspection which is in contravention of Section 8 (a) of the Minimum Housing and Health Standards.
- i. Rental dwelling was not supplied with a proper food preparation area because refrigerator was missing which is in contravention of Section 14 (a) (iv) of the Minimum Housing and Health Standards.
- j. Rental dwelling was not supplied with a proper food preparation area because oven and stove were missing which is in contravention of Section 14 (a) (iv) of the Minimum Housing and Health Standards.
- k. The enamel was wearing away and the drain cover in the kitchen sink was rusted which is in contravention of Section 6 (a) of the Minimum Housing and Health Standards.
- l. Plastic shower stall wall was cracked in the bathroom which is in contravention of Section 5 (a) of the Minimum Housing and Health Standards.
- m. The caulking where the shower wall meets the shower base was old, mouldy, and in poor condition which is in contravention of Section 5 (a) of the Minimum Housing and Health Standards.
- n. The vinyl floor in the bathroom was cracked around the toilet which is in contravention of Section 5 (a) of the Minimum Housing and Health Standards.

- o. The toilet base was not properly sealed to the floor. The caulking was separated from the toilet due to cracked flooring and because the caulking dried out which is in contravention of Section 5 (a) of the Minimum Housing and Health Standards.**

**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**:

- a. That the owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
  - a. Prior to completing repairs, the unit must be assessed by a structural engineer to determine the safety and integrity of the entire structure. After structural report has been reviewed and accepted by an Executive Officer of Alberta Health Services, the owner may begin rebuilding the house.
  - b. Roof must be professionally inspected and repaired. All water damaged materials must be removed and replaced.
  - c. All water damaged materials in the ceiling must be removed and replaced.
  - d. Remove any water damaged materials from existing wall, replace insulation and drywall.
  - e. Install adequate bedroom window that meets the guidelines set out in the Minimum Housing and Health Standard for window egress.
  - f. Install functioning smoke alarm.
  - g. Repair furnace to ensure it is working according to its intended use.
  - h. Install a refrigerator in the food preparation area.
  - i. Install an oven/stove in the food preparation area.
  - j. Repair shower unit wall.
  - k. Replace caulking around shower base.
  - l. Remove water damaged flooring in bedroom and replace with new floor covering. Repair/replace floor in bathroom.
  - m. Reseal the area between base of toilet and floor in the bathroom.
- b. 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.
- c. The work referred to in paragraph a, shall be completed by **January 1, 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, September 24, 2013.

Confirmation of an oral order issued to Allan Zindler, on September 20, 2013.

**George Johnson, CPHI(C)**  
Executive Officer  
Environmental Health Officer

**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).*

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*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)*

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

**Re: Those premises located in Calgary, Alberta and municipally described as 2-1120 16 Ave SW, Calgary, Alberta**

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Calgary • Southport • Environmental Health

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[www.albertahealthservices.ca](http://www.albertahealthservices.ca)