

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

To: James Wilson
"the owner"

And To: All Occupant(s) of the following Housing premises: 2006 41 Street SE

RE: Those housing premises located in Calgary, Alberta and municipally described as:
2006 41 Street SE

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:

Main:

- a. There were no utilities available to the property.
- b. There was no smoke alarm installed near the bedrooms.
- c. The flooring materials were missing in the living room, dining room, hallway, and north east bedroom closet.
- d. The carpets in all bedrooms were lifting and filthy.
- e. The entire wall under the window frame in the north east bedroom was water damaged, rotten, and mouldy.
- f. The area around the window frame in the south east bedroom was water damaged and window trim was missing.
- g. There were missing electrical plate covers throughout the unit.
- h. The transition bar between the kitchen and hallway was missing, exposing lifting carpet and creating a tripping hazard.
- i. The transition bar between the north east bedroom and hallway was missing.
- j. The transition bar between the north west bedroom and hallway was missing.
- k. The tub surround was in disrepair. It was repaired with packing tape and plastic bag.
- l. There was missing door trim for the north bedroom door.
- m. The glass in the kitchen and north east bedroom windows was shattered.
- n. The patio door glass was shattered.
- o. There were baseboards missing throughout the unit.
- p. The balcony railings were loose and unsecure.
- q. The laminate counter edges were chipped and missing, exposing raw wood.
- r. There were holes in walls throughout the unit.

Common:

- s. The furnace and hot water tank were surrounded by combustible materials and garbage.
- t. The entrance door was missing a door knob.
- u. There were no handrails leading into the main or lower levels.
- v. The window by the side entrance door was single paned.
- w. There was missing flooring material at the top of the staircase leading into the main floor.
- x. Sections of flooring material by the entrance door were missing, lifting and torn.
- y. Lots of garbage and furniture were being stored in the back yard and neighbour's sidewalk.

Basement A:

- z. There were no utilities available to the property.
- aa. The glass in the window in the north bedroom was shattered and the opening boarded up with ply wood, thus preventing egress.
- bb. There was no window for egress in the north west bedroom.
- cc. There was no smoke alarm installed near the bedrooms.
- dd. The kitchen sink plumbing was not properly connected and water from the sink was being captured into a bucket that was located under the kitchen sink.
- ee. The kitchen floor was in disrepair. There was missing linoleum in parts, and some sections of linoleum were cracked rendering it difficult to clean.
- ff. There was no transition bar between the kitchen floor and living room carpet.
- gg. There was no transition bar between the kitchen floor and hallway carpet.
- hh. The cupboard under the washroom sink was water damaged.
- ii. Sections of the tub surround were raw wood and water damaged.
- jj. The seal between the tub and tub surround was in disrepair and missing.
- kk. The tub surround, on the same side as the bathtub faucet, was bowing.
- ll. The seal around the toilet on the washroom floor was in disrepair.
- mm. There was no mechanical or natural ventilation available in the washroom.
- nn. The laminate on kitchen counter was burnt and lifting by the stove.
- oo. The bathroom flooring was torn.
- pp. The window in the north bedroom was missing a tight fitting insect screen.
- qq. There were holes in the ceiling in the north bedroom and living room.
- rr. The insect screen in the living room window was not installed.

Basement B:

- ss. There were no utilities available to the property.
- tt. Major clutter from garbage, building material, and construction material throughout the unit, creating a fire hazard. There was no safe pathway into/out of the unit, thus impeding egress.

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:

Main:

- a. There were no utilities available to the property. 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.
- b. There was no smoke alarm installed near the bedrooms. This is in contravention of 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.
- c. The flooring materials were missing in the living room, dining room, hallway, and north east bedroom closet. This is in contravention of Section III(5) 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 carpets in all bedrooms were lifting and filthy. 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.
- e. The entire wall under the window frame in the north east bedroom was water damaged, rotten, and mouldy. 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.
- f. The area around the window frame in the south east bedroom was water damaged and window trim was 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.
- g. There were missing electrical plate covers throughout the unit. 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.
- h. The transition bar between the kitchen and hallway was missing, exposing lifting carpet and creating a tripping hazard. This is in contravention of section III(5)(b) of the Minimum Housing and Health Standards which states that: Rooms and sections of rooms that are used for food preparation and cooking shall have walls and floors constructed of materials which do not provide harbourage to dirt, grease, vermin and bacteria and that are easily kept clean.
- i. The transition bar between the north east bedroom and hallway was missing. This is in contravention of Section III(5) 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. The transition bar between the north west bedroom and hallway was missing. This is in contravention of Section III(5) 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 tub surround was in disrepair. It was repaired with packing tape and plastic bag. 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.
 - l. There was missing door trim for the north bedroom door. 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.
 - m. The glass in the kitchen and north east bedroom windows was shattered. 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. The patio door glass was shattered. 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.
 - o. There were baseboards missing throughout the unit. 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.
 - p. The balcony railings were loose and unsecure. 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.
 - q. The laminate counter edges were chipped and missing, exposing raw wood. This is in contravention of section IV(14)(a)(iii) of the Minimum Housing and Health Standards which states that: Every housing premises shall be provided with a food preparation area, which includes: a counter or table used for food preparation which shall be of sound construction and furnished with surfaces that are easily cleaned.
 - r. There were holes in walls throughout the unit. 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.

Common:

- s. The entrance door was missing a door knob. This is in contravention of section III(3)(a) of the Minimum Housing and Health Standards which states that: Exterior windows and doors shall be capable of being secured.
- t. There were no handrails leading into the main or lower levels. 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.
- u. The window by the side entrance door was single paned. This is in contravention of 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.
- v. There was missing flooring material at the top of the staircase leading into the main floor. This is in contravention of Section III(5) 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.
 - w. Sections of flooring material by the entrance door were missing, lifting and torn. This is in contravention of Section III(5) 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.

Basement A:

- x. There were no utilities available to the property. 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.
- y. The glass in the window in the north bedroom was shattered and the opening boarded up with ply wood, thus preventing egress. This is in contravention of 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”).
- z. There was no window for egress in the north west bedroom. This is in contravention of 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”).
- aa. There was no smoke alarm installed near the bedrooms. This is in contravention of 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.
- bb. The kitchen sink plumbing was not properly connected and water from the sink was being captured into a bucket that was located under the kitchen sink. 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.
- cc. The kitchen floor was in disrepair. There was missing linoleum in parts, and some sections of linoleum were cracked rendering it difficult to clean. This is in contravention of section III(5)(b) of the Minimum Housing and Health Standards which states that: Rooms and sections of rooms that are used for food preparation and cooking shall have walls and floors constructed of materials which do not provide harbourage to dirt, grease, vermin and bacteria and that are easily kept clean.
- dd. There was no transition bar between the kitchen floor and living room carpet. This is in contravention of section III(5)(b) of the Minimum Housing and Health Standards which

- states that: Rooms and sections of rooms that are used for food preparation and cooking shall have walls and floors constructed of materials which do not provide harbourage to dirt, grease, vermin and bacteria and that are easily kept clean.
- ee. There was no transition bar between the kitchen floor and hallway carpet. This is in contravention of section III(5)(b) of the Minimum Housing and Health Standards which states that: Rooms and sections of rooms that are used for food preparation and cooking shall have walls and floors constructed of materials which do not provide harbourage to dirt, grease, vermin and bacteria and that are easily kept clean.
 - ff. The cupboard under the washroom sink was water damaged. This is in contravention of Section III(5) 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.
 - gg. Sections of the tub surround were raw wood and water damaged. 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.
 - hh. The seal between the tub and tub surround was in disrepair and missing. 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.
 - ii. The tub surround, on the same side as the bathtub faucet, was bowing. 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.
 - jj. The seal around the toilet on the washroom floor was in disrepair. 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.
 - kk. There was no mechanical or natural ventilation available in the washroom. This is in contravention of section IV(7)(c) of the Minimum Housing and Health Standards which states that: All rooms containing a flush toilet and/or bathtub or shower shall be provided with natural or mechanical ventilation.
 - ll. The window in the north bedroom was missing a tight fitting insect screen. 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.
 - mm. There were holes in the ceiling in the north bedroom and living room. This is in contravention of Section III(5) 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.
 - nn. The laminate on kitchen counter was burnt and lifting by the stove. This is in contravention of section IV(14)(a)(iii) of the Minimum Housing and Health Standards which states that:

Every housing premises shall be provided with a food preparation area, which includes: a counter or table used for food preparation which shall be of sound construction and furnished with surfaces that are easily cleaned.

- oo. The bathroom flooring was torn. 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.
- pp. The insect screen in the living room window was not installed. 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.

Basement B:

- a. There were no utilities available to the property. 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.

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 March 10, 2015
2. That the owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:

Main:

- a. Reinstate utilities to the property.
- b. Install a fully operational smoke alarm.
- c. Install flooring material in the living room, dining room, and hallway.
- d. Repair or replace flooring material in all bedrooms.
- e. Remove all water damaged, rotten and mouldy material and replace with new building material.
- f. Install electrical plate covers.
- g. Install transition bars.
- h. Repair or replace tub surround.
- i. Replace missing door trim.
- j. Replace kitchen and north east bedroom windows.
- k. Replace patio door glass.
- l. Replace missing baseboards.
- m. Repair or replace balcony railings.
- n. Repair or replace kitchen counter.

- o. Repair or replace damaged drywalls.

Common:

- p. Remove all combustible material and garbage from the furnace room.
- q. Replace missing door knob.
- r. Install handrails.
- s. Install another pane of glass for the side entrance door.
- t. Replace missing flooring material on the staircase.
- u. Repair or replace damaged flooring by the entrance door.
- v. Properly dispose all garbage and furniture from backyard and neighbour's sidewalk.

Basement A:

- w. Reinstate utilities to the property.
- x. Remove ply wood and replace window pane in the north bedroom so that it meets all requirements of Section 3 of the Minimum Housing and Health Standards.
- y. Install a window in the north west bedroom so that it meets all requirements of Section 3 of the Minimum Housing and Health Standards.
- z. Install a fully operational smoke alarm.
- aa. Repair or replace the kitchen sink so it is in good working condition.
- bb. Repair or replace the kitchen floor so it is smooth and easily cleanable.
- cc. Install transition bars.
- dd. Remove water damaged material under the washroom sink and replace with new building materials that are smooth and impervious to moisture.
- ee. Remove the water damaged raw building material that is part of the tub surround and replace with building material that are smooth and impervious to moisture.
- ff. Remove the old seal between the tub and tub surround and replace with new sealing material so it forms a water-tight seal.
- gg. Remove the bowing section of the tub surround and replace with new building materials that are smooth and impervious to moisture.
- hh. Remove the old seal between the toilet and washroom floor and replace with new sealing material so it forms a water-tight seal.
- ii. Install a mechanical fan that is vented to the outside or install a window for natural ventilation in the washroom.
- jj. Repair or replace all damaged ceilings in the north bedroom and living room.
- kk. Repair or replace damaged insect screen for the living room window.
- ll. Replace missing insect screen for the window in the north bedroom.

Basement B:

- mm. Reinstate utilities to the property.
 - nn. Refrain from using this space as a rental accommodation until approval is granted by an Executive Officer of Alberta Health Services.
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. Work referred to in Paragraph 2 above shall be completed by no later than June 9, 2015.

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, March 13, 2015
Confirmation of a verbal order issued to James Wilson, on March 9, 2015.

Rikkie Ma, 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.

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

Revised January 27, 2014

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
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CALGARY - Southport Atrium

10101 Southport Road SW
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Fax: 403-943-8056

CANMORE Public Health

#104, 800 Railway Avenue
Canmore, AB T1W 1P1
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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
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STRATHMORE Public Health Office

650 Westchester Road
Strathmore, AB T1P 1H8
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www.albertahealthservices.ca/eph.asp