

ORDER OF AN EXECUTIVE OFFICER CLOSED FOR TENANT ACCOMMODATION PURPOSES ORDER TO VACATE

To: Republic Financial Ltd.
(The “Owner”)

David Halpern
(The “Owner”)

Nelson Halpern
(The “Owner”)

Shelley Zimmerman
(The “Owner”)

Howard Messer
(Property Manager)

And To: All Occupant(s) of the following Housing premises:
Suite 203, 304 26 Avenue SW, Calgary Alberta

RE: Those housing premises located in Calgary, Alberta and municipally described as:
Suite 203, 304 26 Avenue SW, Calgary Alberta

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. Large area of wall damage in bedroom due to water infiltration where balcony is attached from the exterior.
- b. There is a significant odour of mould in this suite.
- c. The wood laminate floor is heaving and rippling, likely due to water infiltration from area of water damage in bedroom.
- d. Balcony metal braces are fully rusted.
- e. Balcony moves when weight is applied, particularly at the north corner and appears unsafe.
- f. The wood braces that the balconies are attached to are rotten and weathered.
- g. The balcony guard rails are 34 inches high and have spacers as great as 10 inches apart.
- h. The bedroom window is lever style where the mechanism impedes emergency egress.
- i. The bedroom window does not close properly and has a large gap due to rotten wood casing.
- j. The bedroom window is single pane and does not have an insect screen.
- k. The kitchen window is single pane and does not have and insect screen.

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. Large area of wall damage in bedroom due to water infiltration where balcony is attached from the exterior. This is a contravention of Section 5(2) of the Housing Regulation and Sections 1 and 5 of the Minimum Housing and Health Standards.
- b. There is a significant odour of mould in this suite. This is a contravention of Section 5(2) of the Housing Regulation and Section 5 of the Minimum Housing and Health Standards.
- c. The wood laminate floor is heaving and rippling, likely due to water infiltration from area of water damage in bedroom. This is a contravention of Sections 1 and 5 of the Minimum Housing and Health Standards.
- d. Balcony metal braces are fully rusted. This is a contravention of Sections 1 and 3(c) of the Minimum Housing and Health Standards.
- e. Balcony moves when weight is applied, particularly at the north corner and appears unsafe. This is a contravention of Sections 1 and 3(c) of the Minimum Housing and Health Standards.
- f. The wood braces that the balconies are attached to are rotten and weathered. This is a contravention of Sections 1 and 3(c) of the Minimum Housing and Health Standards.
- g. The balcony guard rails are 34 inches high and have spacers as great as 10 inches apart. This is a contravention of Section 3(c) of the Minimum Housing and Health Standards.
- h. The bedroom window is lever style where the mechanism impedes emergency egress. This is a contravention of Section 3(b) of the Minimum Housing and Health Standards.
- i. The bedroom window does not close properly and has a large gap due to rotten wood casing. This is a contravention of Section 3(a) and 2(b) of the Minimum Housing and Health Standards.
- j. The bedroom window is single pane and does not have an insect screen. This is a contravention of Section 2 of the Minimum Housing and Health Standards.
- k. The kitchen window is single pane and does not have an insect screen. This is a contravention of Section 2 of the Minimum Housing and Health Standards.

AND WHEREAS, by virtue of the foregoing, the above noted premises are hereby declared to be **Closed for Tenant Accommodation Purposes**.

NOW THEREFORE, I hereby ORDER and DIRECT:

1. That the above noted premises remain vacant.
2. That the owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Hire a suitably qualified structural engineer to assess the balcony and determine their structural safety. A copy of this report must be forwarded to the Executive Officer named below. Refer to timelines in Executive Officer's Repair Order issued October 11, 2011 for this item.
 - b. Remove all rotten building debris from the balconies that may fall and result in personal injury. Refer to timelines in Executive Officer's Repair Order issued October 11, 2011 for this item.
 - c. The balcony must be secured from use and any access until further notice. Refer to timelines in Executive Officer's Repair Order issued October 11, 2011 for this item.

- d. Balcony must be repaired as per the recommendations of the engineer's report and to current Alberta Building Codes. Provide documentation to this office from the contractor performing the work. Refer to timelines in Executive Officer's Repair Order issued October 11, 2011 for this item.
 - e. The wall damage in the bedroom and laminate floor must be remediated for any and all mould that is present. All rotten, damaged or contaminated materials must be removed and replaced with new building products. Any surface mould on building products that cannot be removed for structural reasons must be removed by cleaning or sanding. An inspection is required prior to covering area with new building products.
 - f. The bedroom window must be replaced with a model that meets the emergency egress requirements under the Minimum Housing and Health Standards.
 - g. The kitchen window must be altered or replaced to protect against cold weather and have a storm sash, double glazing or other thermal resistant barrier.
 - h. All openable windows must have 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 closed for tenant accommodation purposes.

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, October 11, 2011

Heather A Langemann, 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 24th Floor, Telus Plaza, 10025 - Jasper Avenue, Edmonton, Alberta, T5J 1S6. Telephone (780) 427-2813.

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 & Wellness at (780) 427-4518, or by visiting: www.health.alberta.ca/about/health-legislation.html

Confirmation of an oral order issued to Howard Messer, on September 28, 2011 during a phone conversation.

AIRDRIE Regional Health Centre
604 Main Street South
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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
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CANMORE Public Health
#104, 800 Railway Avenue
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CLARESHOLM Public Health
5221 2nd Street W
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COCHRANE Community Health Centre
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OKOTOKS Health and Wellness Centre
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650 Westchester Road
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www.albertahealthservices.ca/eph.asp