

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

To: Savohra Ham
"the Owner"

And To: All Occupant(s) of the following Housing premises: 232 20 Avenue NE

RE: Those housing premises located in Calgary, Alberta and municipally described as:
232 20 Ave NE

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. Switchplates are missing throughout the house.
- b. Electrical outlet covers are missing throughout the house.
- c. Several electrical conduits for fixtures, outlets and light switches are uncovered.
- d. There are floors, walls, ceilings missing throughout the house, and insulation, subfloor studs, and attic spaces are exposed throughout the house.
- e. A small bar refrigerator is the only means of refrigeration in the house.
- f. The house does not have a stove.
- g. The kitchen cabinets are missing cabinet doors.
- h. The kitchen counter is made of plywood, which is absorbent.
- i. The kitchen sink is not connected to hot or cold running water or plumbing drainage.
- j. The temperature in the unit was 13.2 degrees Celsius, which indicates that the heating facilities in the unit are not in working order.
- k. The primary source of heat in the house is a space heater.
- l. There are uncapped and disconnected drain pipes in the kitchen.
- m. The toilet drain pipe is leaking into the basement.
- n. There is a flood in the basement
- o. The bedroom window cannot open.
- p. There is no smoke alarm.
- q. The tub surround has holes and is delaminating from the walls.
- r. There is no natural or mechanical ventilation in the bathroom.
- s. The bathtub caulking is damaged or missing in sections.
- t. There is no hot water to the house.
- u. Several windows in the home have broken or cracked window panes.
- v. The vent duct from the hot water tank is badly rusted.

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. Switchplates are missing throughout the house. This is a 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.
- b. Electrical outlet covers are missing throughout the house. This is a 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. Several electrical conduits for fixtures, outlets and light switches are uncovered. This is a 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.
- d. There are floors, walls, ceilings missing throughout the house, and insulation, subfloor studs, and attic spaces are exposed throughout the house. This is a 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, and 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. And 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.
- e. A small bar refrigerator is the only means of refrigeration in the house. This is a contravention of section IV(14)(b)(v) of the Minimum Housing and Health Standards which states that: Occupants of a housing premises with more than one dwelling may share food preparation facilities provided that: the refrigerator shall provide a minimum volume of two cubic feet of storage for each intended occupant.
- f. The house does not have a stove. This is a contravention of section IV(14)(a)(i) of the Minimum Housing and Health Standards which states that: Every housing premises shall be provided with a food preparation area, which includes: a stove and a refrigerator that are maintained in a safe and proper operating condition. The refrigerator shall be capable of maintaining a temperature of 4 degrees C.
- g. The kitchen cabinets are missing cabinet doors. This is a 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.
- h. The kitchen counter is made of plywood, which is absorbent. This is a 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.
- i. The kitchen sink is not connected to hot or cold running water or plumbing drainage. This is a contravention of section IV(14)(a)(i) of the Minimum Housing and Health Standards which

states that: Every housing premises shall be provided with a food preparation area, which includes: a kitchen sink that is supplied with potable hot and cold water and suitably sized to allow preparation of food, washing utensils and any other cleaning operation;

- j. The temperature in the unit was 13.2 degrees Celsius, which indicates that the heating facilities in the unit are not in working order. This is a 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 22 °C(71 °F), or maintained at a temperature of at least 22 °C(71 °F) when the control of the supplied heat in a dwelling is the responsibility of a person other than the occupant.
- k. The primary source of heat in the unit is a space heater. This is a contravention of section IV(8)(c) of the Minimum Housing and Health Standards which states that: Cooking appliances and portable space heaters shall not be used as the primary source for the required heat to a habitable room.
- l. There are uncapped and disconnected drain pipes in the kitchen. This is a contravention of section IV(6)(c) of the Minimum Housing and Health Standards which states that: All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.
- m. The toilet drain pipe is leaking into the basement. This is a contravention of section IV(6)(c) of the Minimum Housing and Health Standards which states that: All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.
- n. There is a flood in the basement. This is a contravention of section III(1)(a,b) of the Minimum Housing and Health Standards which states that: the housing premises shall be structurally sound, and; basements, cellars or crawl spaces shall be structurally sound, and maintained in good repair and free from water infiltration and accumulation.
- o. The bedroom window cannot open. This is a 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”).
- p. There is no smoke alarm. This is a 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.
- q. The tub surround has holes and is delaminating from the walls. This is a 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.
- r. There is no natural or mechanical ventilation in the bathroom. This is a 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.
- s. The bathtub caulking is damaged or missing in sections. This is a 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.
- t. There is no hot water to the house. This is a contravention of section IV(9)(a) of the Minimum Housing and Health Standards which states that: All hot running water shall be

maintained at a temperature of not less than 46 degrees C (114F), and not more than 60 degrees C (140F) measured at the plumbing fixture.

- u. Several windows in the home have broken or cracked window panes. This is a 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.
- v. The vent duct from the hot water tank is badly rusted. This is a 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 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 October 26, 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. Ensure that all electrical outlets and switch plate covers are installed.
 - b. Properly secure wires or install the outlets, light switches or fixtures that are intended for all open electrical conduits.
 - c. Install all missing finishes in a manner that complies with requirements of the Minimum Housing and Health Standards.
 - d. Install a refrigeration unit that meets the requirements of the Minimum Housing and Health Standards.
 - e. Install a stove in the kitchen.
 - f. Install kitchen cabinets.
 - g. Install an impermeable counter
 - h. Connect the kitchen sink to hot and cold running water and drainage pipes.
 - i. Ensure that a continuous supply of heat is provided to the house and refrain from using a space heater as the primary source of heat.
 - j. Cap open drainage pipes or install the fixtures intended for those drainage pipes.
 - k. Repair toilet drain leak.
 - l. Find and Repair the cause of the flood in the basement.
 - m. Replace or modify window to meet the fire egress requirements of the Minimum Housing and Health Standards.
 - n. Install a smoke alarm.
 - o. Repair the tub surround.
 - p. Install an exhaust fan vented to the outside or a window for ventilation purposes in the washroom.
 - q. Replace bathtub caulking.
 - r. Ensure there is a continuous supply of hot water.
 - s. Replace broken or cracked window panes.
 - t. Replace the rusted vent duct from the hot water tank.
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 above shall be completed to the satisfaction of an Executive Officer of Alberta Health Services by January 21, 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, October 21, 2015.

Confirmation of a verbal order issued to Arsan Ham, landlord, on October 15, 2015.

Jim Moore, BSc, BTech 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

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www.albertahealthservices.ca/eph.asp