

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

To: West Prosperity Investment Company Ltd.
“the Owner”

And

Josette Khu
“the Owner”

And

David Khu
“the Owner”

And

Elena Khu
“the Owner”

And

Agnes Khu
“the Owner”

And

Cecillia Khu
“the Owner”

And

Doug Waag
“the Property Manager”

And To: All Occupant(s) of the following Housing premises: 2511 47 Avenue SE, Calgary, AB

RE: Those housing premises located in Calgary, Alberta and municipally described as:
2511 47 Avenue 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:

- a. There are exposed live wires in several areas throughout the house. This includes, but is not limited to: in the kitchen behind the stove, between the door and the window in the kitchen, around the electrical panel in the room where the laundry machines are, and in the basement.
- b. There are some light fixtures which are no longer properly installed and hanging away from the wall or ceiling. This includes, but is not limited to: the exterior light near the front entrance, and the light in the room where the electrical panel and laundry machines are.
- c. There is no window or door opening to the outside in the north bedroom.
- d. The south bedroom window does not meet egress requirements; the openable area is too small.
- e. There are bars bolted across the window in the south bedroom.
- f. There is no working smoke alarm in the house.
- g. There are cracks in the foundation which are allowing water to infiltrate.
- h. There is standing water in the basement on and around the well head. This contaminated water may be entering the well, rendering the drinking water non-potable.
- i. There is a roof leak above the laundry machines just outside the kitchen. The ceiling is water damaged and discoloured.
- j. Floors, walls, and ceilings throughout the house are in poor condition. Several areas had damaged, and/or missing materials.
- k. One of the sewage pipes in the basement has been repaired using duct tape.
- l. The state of the septic system is unknown. Occupants stated they have smelled a sewage odour seeping into the basement through the cracks in the foundation closest to the septic system.
- m. There are several missing light switch and electrical outlet covers throughout the house.
- n. There is no glass in the bottom section of the south bedroom window. It is completely open to the outside.
- o. The kitchen window has large gaps on either side which are completely open to the exterior.

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. There are exposed live wires in several areas throughout the house. This includes, but is not limited to: in the kitchen behind the stove, between the door and the window in the kitchen, around the electrical panel in the room where the laundry machines are, and in the basement. 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.
- b. There are some light fixtures which are no longer properly installed and hanging away from the wall or ceiling. This includes, but is not limited to: the exterior light near the front entrance, and the light in the room where the electrical panel and laundry machines are. 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. There is no window or door opening to the outside in the north bedroom. 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. This is also 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”).
- d. The south bedroom window does not meet egress requirements; the openable area is too small. 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. This is also 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”).
- e. There are bars bolted across the window in the south bedroom. This is in contravention of section III(3)(b)(ii) of the Minimum Housing and Health Standards which states that: If the window referred above is provided with security bars, the security bars shall be installed so they may be opened from the inside without the use of any tools or special knowledge.
- f. There is no working smoke alarm in the house. 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.
- g. There are cracks in the foundation which are allowing water to infiltrate. This is in 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.
- h. There is standing water in the basement on and around the well head. This contaminated water may be entering the well, rendering the drinking water non-potable. This is in contravention of section IV(9) of the Minimum Housing and Health Standards which states that: Every building used in whole or in part, as housing premises shall be supplied with a potable water supply of sufficient volume, pressure and temperature to serve the needs of the inhabitants.
- i. There is a roof leak above the laundry machines just outside the kitchen. The ceiling is water damaged and discoloured. 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.
- j. Floors, walls, and ceilings throughout the house are in poor condition. Several areas had damaged, and/or missing materials. 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.

- k. One of the sewage pipes in the basement has been repaired using duct tape. 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.
- l. The state of the septic system is unknown. Occupants stated they have smelled a sewage odour seeping into the basement through the cracks in the foundation closest to the septic system. 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.
- m. There are several missing light switch and electrical outlet covers throughout the house. 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.
- n. There is no glass in the bottom section of the south bedroom window. It is completely open to the outside. 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. This is also 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. The kitchen window has large gaps on either side which are completely open to the exterior. 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.

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 August 15, 2016.
- 2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Have a professional electrical contractor/ electrician inspect the electrical system and make all repairs required to ensure safety and a continuous supply of electricity throughout the home. Provide copies of all documentation to an Executive Officer of Alberta Health Services.
 - b. Install a window which meets egress requirements in the north bedroom.
 - c. Replace window in south bedroom and ensure it meets egress requirements.
 - d. Remove security bars from window in south bedroom.
 - e. Install a working smoke alarm near the bedrooms.
 - f. Have the structural integrity of the foundation assessed by a structural engineer. Make repairs to ensure the foundation is safe, structurally sound, and is no longer

- allowing water to infiltrate into the basement. Provide copies of all documentation to an Executive Officer of Alberta Health Services.
- g. Once there is no longer water infiltration or standing water in the basement, the well must be treated and water samples must be submitted for analysis of chemical and bacteriological parameters. Until such time that the water supply is rendered potable by an Executive Officer of Alberta Health Services, well water must not be used for drinking or cooking purposes without first being boiled.
 - h. Repair roof and ensure there are no further leaks. Remove all water damaged materials, replace with new materials, and re-finish the areas. Provide copies of all documentation to an Executive Officer of Alberta Health Services.
 - i. Repair and re-finish floors, walls, and ceilings throughout house. Ensure all are properly installed and properly finished with no gaps, damage, or holes, and are in a condition that allows them to be cleaned. This includes installing baseboard and trim throughout.
 - j. Properly repair the duct taped sewage pipe in the basement.
 - k. Have the septic system inspected by a safety codes officer and make any repairs necessary.
 - l. Replace all missing light switch and electrical outlet covers.
 - m. All openable windows must be equipped with 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 work referred to in paragraph 2 shall be completed by October 31, 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, August 12, 2016

Confirmation of a verbal order issued to Doug Waag on August 3, 2016.

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 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: HealthAppealBoard@gov.ab.ca
Website: <http://www.health.alberta.ca/about/PHAB.html>

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

Template revised January 22, 2016