

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

To: Frank Tumato
Sandhya Tumato
(the "Owner")

And To: All Occupant(s) of the following Housing premises:
608 10 Street NE – Basement Suite, Calgary AB

RE: Those housing premises located in Calgary, Alberta and municipally described as:
608 10 Street NE – Basement Suite, Calgary AB

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. The faucet at the kitchen sink was leaking.
- b. The open-able areas of the bedroom windows in both bedrooms were too small for egress.
- c. The living room window was unable to lock properly.
- d. There were no smoke alarms installed near both the bedrooms.
- e. Significant horizontal and vertical cracks were observed on interior and exterior of the building. A bowed wall was also observed in the bedroom facing the street.
- f. The bedroom walls were moderately wet as indicated by the moisture meter, in both bedrooms.
- g. The carpet in the bedroom near the kitchen was wet.
- h. The carpet in the bedroom beside the washroom was discoloured and appeared to have been water damaged. Occupant's mattress was on this carpet and mould growth was observed on the mattress.
- i. The area between the bathtub and tile surround was not sealed properly.
- j. There was no open-able window or mechanical fan in the washroom for ventilation.
- k. The living room window was missing an insect screen.
- l. The bedroom window facing the back yard was missing an 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. The faucet at the kitchen sink was leaking. This is in contravention of Section 6, in the Minimum Housing and Health Standards

- b. The open-able areas of the bedroom windows in both bedrooms were too small for egress. This is in contravention of Section 3, in the Minimum Housing and Health Standards
- c. The living room window was unable to lock properly. This is in contravention of Section 3, in the Minimum Housing and Health Standards
- d. There were no smoke alarms installed near both the bedrooms. This is in contravention of Section 12, in the Minimum Housing and Health Standards
- e. Significant horizontal and vertical cracks were observed on interior and exterior of the building. A bowed wall was also observed in the bedroom facing the street. This is in contravention of Section 1 and Section 5, in the Minimum Housing and Health Standards.
- f. The bedroom walls were moderately wet as indicated by the moisture meter, in both bedrooms. This is in contravention of Section 1, in the Minimum Housing and Health Standards and Section 5(2), in the Housing Regulation.
- g. The carpet in the bedroom near the kitchen was wet. This is in contravention of Section 1, in the Minimum Housing and Health Standards and Section 5(2), in the Housing Regulation.
- h. The carpet in the bedroom beside the washroom was discoloured and appeared to have been water damaged. Occupant's mattress was on this carpet and mould growth was observed on the mattress. This is in contravention of Section 1, in the Minimum Housing and Health Standards and Section 5(2), in the Housing Regulation.
- i. The area between the bathtub and tile surround was not sealed properly. This is in contravention of Section 5, in the Minimum Housing and Health Standards
- j. There was no open-able window or mechanical fan in the washroom for ventilation. This is in contravention of Section 7, in the Minimum Housing and Health Standards
- k. The living room window was missing an insect screen. This is in contravention of Section 2, in the Minimum Housing and Health Standards
- l. The bedroom window facing the back yard was missing an insect screen. This is in contravention of Section 2, in 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 occupants vacate the above noted premises on or before July 16, 2012
2. That the owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Repair the faucet at the kitchen sink so it is no longer leaking and in good working condition.
 - b. Replace or modify the bedroom window so that they meet all requirements of Section 3 of the Minimum Housing and Health Standards.
 - c. Repair or replace the living room window lock.
 - d. Install fully functional smoke alarms near each bedroom.
 - e. Hire a Professional Engineer qualified to practice in Alberta to assess the structural integrity of the building. Provide documentation to the Executive Officer regarding the results of the assessment and any remedial work that is needed to ensure structural stability and that all sources of moisture entry are corrected.
 - f. Cut out all cracked and damaged bedroom walls and all mouldy material found. Leave the walls open until the Executive Officer has given approval for final repairs.

- g. Remove carpet and underlay from both bedrooms and replace or repair any rotten or damaged subfloor beneath.
 - h. Re-seal the area between the bathtub and tile surround.
 - i. Install an open-able window or a mechanical fan in the washroom for ventilation.
 - j. Install a tight fitting insect screen on living room window and bedroom window facing the back yard.
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, July 16, 2012.

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 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 a Verbal order issued to Frank Tumato, at 3:15pm on July 9, 2012.

Copy Frank Tumato

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
Phone:403-762-2990
Fax: 403-762-5570

CALGARY - Southport Atrium

10101 Southport Road SW
Calgary, AB T2W 3N2
Phone:403-943-2288
Fax: 403-943-8056

CANMORE Public Health

#104, 800 Railway Avenue
Canmore, AB T1W 1P1
Phone: 403-678-5656
Fax: 403-678-5068

CLARESHOLM Public Health

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
Phone: 403-995-2600
Fax: 403-995-2639

STRATHMORE Public Health Office

650 Westchester Road
Strathmore, AB T1P 1H8
Phone: 403-361-7200
Fax: 403-361-7244

www.albertahealthservices.ca/eph.asp