

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

**To:** Nancy Chan  
"the Owner"

**And To:** All Occupant(s) of the following Housing premises: 87 Penworth Close SE

**RE:** Those housing premises located in Calgary, Alberta and municipally described as:  
87 Penworth Close 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. The basement bedroom had no window.
- b. The basement was not properly finished, some walls were finished, but there was no drywall on the ceiling and no proper flooring installed.
- c. Several outlet covers and switch plate covers were missing throughout the unit.
- d. It appeared that the electrical system had been tampered with. There were several outlets which appeared to be damaged, and multiple electrical cords running throughout the unit.
- e. There were several holes and damaged areas in the walls throughout the unit.
- f. The faucet had been removed from the bath tub/shower in the upstairs washroom. There were no other bathing facilities in this unit.
- g. There was a large hole in the wall in the wall of the tub surround where the bath tub faucet was.
- h. The toilet in the upstairs washroom had been removed.
- i. Flooring throughout this unit was in very bad condition. Carpeted areas were heavily stained and soiled, laminate flooring was separating and damaged, tile flooring was cracked, and baseboards were missing in several places.
- j. There was no flooring on the landing/hall area at the top of the stairs near the bedrooms.
- k. Several of the doors in the unit had holes and were splintered.
- l. The kitchen cupboards were in very poor condition. Paint was chipping and missing in several areas, there were missing doors/panels, and there was some damage to doors and drawers.
- m. The arborite on the kitchen counters was lifting and chipping.
- n. There was a padlock on the inside of one of the bedroom doors.
- o. There was a large amount of garbage and debris in the back yard.
- p. There was a ducting hose coming from the furnace that was not connected to anything.
- q. There was no handrail along the stairs to the basement.
- r. A large number of used needles and other sharps were found throughout this unit.
- s. Mouse droppings were found in the kitchen.

**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 basement bedroom had no window. 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. Also 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 m<sup>2</sup> (3.8ft<sup>2</sup>), with no dimension less than 380 mm (15”).
- b. The basement was not properly finished, some walls were finished, but there was no drywall on the ceiling and no proper flooring installed. 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.
- c. Several outlet covers and switch plate covers were missing 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.
- d. It appeared that the electrical system had been tampered with. There were several outlets which appeared to be damaged, and multiple electrical cords running 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.
- e. There were several holes and damaged areas in the 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.
- f. The faucet had been removed from the bath tub/shower in the upstairs washroom. There were no other bathing facilities in this unit. This is in contravention of section IV(7) of the Minimum Housing and Health Standards which states that: Except where exempt by regulation, every housing premises shall be provided with plumbing fixtures of an approved type consisting of at least a flush toilet, a wash basin, and a bathtub or shower. Also section IV(7) of the Minimum Housing and Health Standards which states that: Except where exempt by regulation, every housing premises shall be provided with plumbing fixtures of an approved type consisting of at least a flush toilet, a wash basin, and a bathtub or shower.
- g. There was a large hole in the wall in the wall of the tub surround where the bath tub faucet was. 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.

- h. The toilet in the upstairs washroom had been removed. This is in contravention of section IV(7) of the Minimum Housing and Health Standards which states that: Except where exempt by regulation, every housing premises shall be provided with plumbing fixtures of an approved type consisting of at least a flush toilet, a wash basin, and a bathtub or shower.
- i. Flooring throughout this unit was in very bad condition. Carpeted areas were heavily stained and soiled, laminate flooring was separating and damaged, tile flooring was cracked, and baseboards were missing in several places. 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.
- j. There was no flooring on the landing/hall area at the top of the stairs near the bedrooms. 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. Several of the doors in the unit had holes and were splintered. 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.
- l. The kitchen cupboards were in very poor condition. Paint was chipping and missing in several areas, there were missing doors/panels, and there was some damage to doors and drawers. This is in 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.
- m. The arborite on the kitchen counters was lifting and chipping. 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.
- n. There was no handrail along the stairs to the basement. 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.
- o. Mouse droppings were found in the kitchen. This is in contravention of section V(16)(a) of the Minimum Housing and Health Standards which states that: The owner shall ensure that the housing premises are free of insect and rodent infestations.

**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 7, 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. Discontinue using the basement for sleeping purposes. A no rental agreement must be signed for the basement.
  - b. Replace all damaged and missing outlet covers and switch plates.
  - c. Have a professional electrician inspect the electrical system and make repairs as per their recommendations.
  - d. Repair and re-finish all holes and damaged sections of walls.
  - e. Install a new faucet for the bath tub.
  - f. Once the plumbing fixtures have been replaced, patch and re-finish the wall around this area. Ensure that it is properly sealed to prevent water infiltration.
  - g. Install a toilet in the upstairs washroom.
  - h. Replace damaged/soiled/missing flooring throughout this unit.
  - i. Replace broken/damaged doors.
  - j. Repair/replace kitchen cupboards.
  - k. Re-finish/replace kitchen counters.
  - l. Remove padlock from bedroom door.
  - m. Remove garbage and debris from back yard.
  - n. Ensure that furnace is properly vented to the outside and determine where the disconnected hose should be connected.
  - o. Install a handrail along the stairs to the basement.
  - p. Safely collect and properly dispose of the needles and other sharps.
  - q. Eliminate the mouse infestation.
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.
  4. All items noted in paragraph 2 above shall be corrected no later than December 15, 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, October 23, 2015

Confirmation of a verbal order issued to Nancy Chan on September 30, 2015.

Erin McKenna, BSc, BEH(AD), 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 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](mailto: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](http://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](http://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](http://www.health.alberta.ca/about/health-legislation.html)

Template revised June 15, 2015

**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 Health Unit**

5221 2<sup>nd</sup> 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  
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[www.albertahealthservices.ca/eph.asp](http://www.albertahealthservices.ca/eph.asp)