

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

To: Patrick and Nancy Lynch
"the Owner"

And To: All Occupant(s) of the following Housing premises:

RE: Those housing premises located in Alix, Alberta and municipally described as:
4623 50 Avenue, Lots 1 & 2, Block 2, Plan 6077AA

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 electrical system has been altered, unsafe connections made to the junction box and exposed wires run to rooms.
- b. Holes and or damage to walls, floors and ceilings.
- c. Hot and cold running water has been disconnected from the kitchen sink.
- d. The water supply system has been altered and allows for possible back siphonage or similar cross connection issues.
- e. The heating unit appears unsafe with the exhaust ducts disconnected and venting to the room.
- f. Mold on front room floor, wall and door.
- g. Windows are either blocked off, in disrepair or do not meet the minimum openable dimension for egress in a bedroom.
- h. Marks and stains on the walls and ceilings indicate possible water infiltration or damage.
- i. Smoke alarms are not provided in or adjacent to bedrooms.

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 electrical system has been altered, unsafe connections made to the junction box and exposed wires run to rooms. This condition is in contravention of Section 11 of the Minimum Housing and Health Standards which states: "Every housing premises shall be supplied with electrical service. Outlets, switches and fixtures shall be properly installed and shall be maintained in good and safe working condition."
- b. Holes and or damage to walls, floors and ceilings. These conditions are in contravention of Section 5 of the Minimum Housing and Health Standards which states: "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. Exposed plastic and insulation on the wall at the back of the cupboards. This condition is in contravention of Section 5 (b) of the Minimum Housing and Health Standards which states: “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.”
- d. Hot and cold running water has been disconnected from the kitchen sink. This condition is in contravention of Section 6 (b) of the Minimum Housing and Health Standards which states: “Adequate water volume and pressure shall be provided to ensure the proper operation and flushing of all fixtures.”
- e. The water supply system has been altered and garden hoses run to rooms. This condition is in contravention of Section 6 (a) of the Minimum Housing and Health Standards which states: “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.”
- f. The heating unit appears unsafe with the exhaust ducts disconnected and venting to the room. Heat from the unit is not ducted to each room. This condition is in contravention of Section 8 of the Minimum Housing and Health Standards which states:
 - (a) “All heating facilities within a housing premise are to be properly installed and maintained in a 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: (i) at least 22°C (71°F).”
 - (b) “When the outside temperature is colder than the winter design temperature as referenced in the Alberta Building Code(97) Section 2.2.1.1 and Appendix C, then the Executive Officer may permit an indoor temperature of less than 22°C(71°F) but greater than 16°C (60°F).”
 - (c) “Cooking appliances and portable space heaters shall not be used as the primary source for the required heat to a habitable room.”
- g. Mold on front room floor, wall and door. This condition is in contravention of Section 1(c) of the Minimum Housing and Health Standards which states: “Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.”
- h. Front door has been sealed in and blocked off from the outside. This condition is in contravention of the Minimum Housing and Health Standards Section 2(b)(i) which states: “All windows and exterior doors shall be maintained in good repair, free of cracks and weatherproof.”
- i. Windows are either blocked off, in disrepair or do not meet the minimum openable dimension for egress in a bedroom. These conditions are in contravention of The Minimum Housing and Health Standards Sections:

- 2(b)(i) “All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof.”
 - 3(b)(i) “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.”
 - 3(b)(ii) “Windows referred to in section 3(b)(i) shall provide unobstructed openings with areas not less than 0.35 m² (3.8 ft²) with no dimension less than 380 mm(15”).”
- j. Marks and stains on the walls and ceilings indicate possible water infiltration or damage. These conditions are in contravention of Section 1 (c) of the Minimum Housing and Health Standards which states: “Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.”
 - k. Smoke alarms missing in bedrooms. This condition is in contravention of Section 12 of the Minimum Housing and Health Standards which states: “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. (a) Smoke alarms shall be operational and in good repair at all times.”

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 December 9, 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. Repair and restore electrical systems to proper operating condition.
 - b. Repair and restore building structural problems and/or impairments.
 - c. Remove extraneous building materials and plastic sheeting.
 - d. Repair and restore plumbing systems to proper operating condition.
 - e. Repair and restore heating, ventilation and ducting systems to proper operating condition.
 - f. Identify and remove areas of visible and hidden mold.
 - g. Ensure all windows are properly repaired and that each bedroom has at least one outside window which may be opened from the inside without the use of tools or special knowledge and provides an unobstructed opening with areas not less than 3.8 ft² with no dimension less than 15”.
 - h. Identify and remove areas and materials affected by water or moisture.
 - i. Repair and restore damaged exterior and interior building materials, finishes and windows, ensuring that exterior is windproof, weatherproof and waterproof.
 - j. Install working smoke alarms in or adjacent to each sleeping room.

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.

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 Red Deer, Alberta, December 9, 2015

Confirmation of a verbal order issued to Patrick Lynch on December 9, 2015.

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.

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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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