

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

**To:** Warren Moseson  
RR #2  
Wetaskiwin, Alberta  
T9A 1W9

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

**RE:** NW-21-44-23-W4M, County of Wetaskiwin

**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. Non-compliant sewage disposal system.
- b. Evidence of sewer back-up, in the basement of the dwelling.
- c. Non-compliant windows for egress, in the basement bedrooms.
- d. Inoperable smoke detectors on the main floor and basement area.
- e. There are no hand rail on the stairs leading to the basement and at the back door exterior steps.
- f. Evidence of a rodent infestation.
- g. Evidence of compromised structural integrity in the load-bearing wooden posts and foundation walls.
- h. Lack of mechanical exhaust ventilation in the basement washroom.

**AND WHEREAS** such inspection disclosed that the following breaches of the Public Health Act and the Regulations there under exist in and about the above noted premises, namely:

- a) The sewage disposal system is discharging sewage effluent directly into the municipal ditch along the eastside of Range Road 234 and there is no lid on the man-hole on the septic tank and there is evidence of sewage backup in the basement of the housing premise. This condition is in contravention to the Minimum Housing and Health Standards Section 6(a), which states as follows: "Every housing premises shall be connected to the public sewage system, or to an approved private sewage disposal system. 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.

- b) The windows for the 2 basement bedrooms are of insufficient dimensions and design to allow for emergency egress. This condition is in contravention of the Minimum Housing and Health Standards Section 3(a)(i), which states as follows: “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. (i) 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”).”
- c) The main-floor and basement smoke alarms are inoperable. This condition is in contravention of the Minimum Housing and Health Standards Section 11, which states as follows: “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.”
- d) The basement windows are a single pane of glass and the main floor living room window has a cracked/broken pane of glass. This condition is contravention of the Minimum Housing and Health Standards Section 2(b)(i)(ii), which states as follows: “(b)(i) All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof. (b)(ii) In housing premises intended for use during the winter months, windows in habitable rooms shall protect against cold weather through the provision of a storm sash, double glazing, or other durable thermal/air resistant barrier as may be approved by the Executive Officer.”
- e) There is no hand rail on the stairs leading to the basement or at the exterior back door steps. This condition is in contravention of the Minimum Housing and Health Standards Section 3(c), which states as follows: “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.”
- f) There is evidence of a rodent infestation in the basement, including a dead bat at the attic access cover in the main floor bedroom. This condition is in contravention of the Minimum Housing and Health Standards Section 16(a), which states as follows: “The owner shall ensure that all rooms and other areas used in common by the occupants of the individual dwellings are maintained in a clean and sanitary condition. (a) The owner shall ensure that the housing premises are free of insect and rodent infestations.”
- g) There is evidence of a water leak from the attic space into the main floor bedroom. This condition is in contravention of the Minimum Housing and Health Standards Section 2(a), which states as follows: “The roof and exterior cladding of walls shall be maintained in a waterproof, windproof and weatherproof condition.”

- h) There is a long vertical crack in a load-bearing wooden post in the basement as well as cracks between the blocks of the cindercrete block wall foundation. There is also the appearance that the main floor has shifted on the cindercrete block wall foundation indicating that the integrity of the foundation may be seriously compromised. This is contravention of the Minimum Housing and Health Standards Section 1(a)(b)(c)(d), which states as follows: “(a) The housing premises shall be structurally sound. (b) Basements, cellars or crawl spaces shall be structurally sound, maintained in good repair and free from water infiltration and accumulation. (c) Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced. (d) Repairs or modifications required by the Executive Officer of any structural element of the housing premises may require the design and/or supervision of a professional structural engineer or a Safety Codes Officer (Building Discipline).”
- i) The window in the basement bathroom is sealed shut and there is no mechanical ventilation. This condition is contravention of the Minimum Housing and Health Standards Section 7(c), which states as follows: “All rooms containing a flush toilet and/or bathtub or shower shall be provided with natural or mechanical ventilation.”

**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 15 October 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. Disconnect the sewage effluent discharge line from the septic tank and have an appropriate private sewage disposal system installed, inspected, permitted and approved, before this dwelling is reoccupied.
  - b. Clean up and disinfect/replace any building materials contaminated by the sewage effluent back-up.
  - c. Install and locate fully operable smoke detectors within the dwelling.
  - d. Install windows and screens throughout the housing premises that are compliant with the Minimum Housing and Health Standards with particular attention to the egress requirements for bedrooms.
  - e. Repair/replace the broken/cracked pane of glass in the Living Room window.
  - f. Provide and securely install handrails for the interior stairs and the back door exterior steps.
  - g. Repair and secure any areas of the housing premises where rodents are entering the house premises. Remove and repair/replace any rodent contaminated materials.
  - h. Repair the exterior roof that is leading to the water leaking into the main floor bedroom ceiling. Repair and refinish the main floor bedroom ceiling.
  - i. Procure the advice of a Structural Engineer and/or Building specialist and make repairs as required to ensure the integrity of the building foundation.

- j. Provide ventilation for the basement bathroom by repairing the window so that it can be opened, or install mechanical exhaust ventilation.
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 Wetaskiwin, Alberta, 09 October 2012

#### **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 24<sup>th</sup> 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, its Regulations and associated Standards 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 Surveillance and Environmental Health Branch of Alberta Health & Wellness at (780) 427-4518.*