

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

To: Juan Crovetto

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

RE: NW-32-49-5W5M
Lot 4, Block I, Plan 0940158
49519 Rge Rd 55
Brazeau County, 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:

(General Description):

Marihuana grow operation in a residential building with unapproved and modified mechanical, plumbing, and electrical systems, resulting in hazardous conditions, and chemical and biological contamination of interior spaces.

1. Nuisance conditions: several areas of the house and shop are being used for the purposes of growing and cultivating marihuana plants, creating increased levels of temperature and humidity resulting in mould growth, possible mould growth, water-damage and potential damage with residual from chemical and/or pesticide solutions
2. Heating and ventilation deficiencies: modifications and/or contamination to heating air filtration and/or air handling systems (furnace and ventilation system) within residence, including duct work and exhaust venting
3. Electrical deficiencies: unsafe electrical system resulting from unapproved modification of building fixtures, including installation of unapproved electrical connections throughout house and shop area to electrify equipment used in the marihuana grows operation.

4. Nuisance conditions: chemical contamination and possible chemical contamination of floors, floor coverings, walls and other interior surfaces due to use of chemicals, including but not limited to fertilizers, grow enhancers, pesticides and other chemicals associated with plant growth.
5. Nuisance conditions: mould contamination and potential mould contamination of walls, ceilings, and cavities throughout the premises due to installation of poly-film and other building materials on walls and ceilings, high humidity and water damage

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:

1. The existence of various Nuisance conditions, resulting from several areas of the house and shop having been used for the purposes of growing and cultivating marihuana plants. This activity has created increased levels of temperature and humidity resulting in mould growth, water-damage and potential damage with residual chemical and/or pesticide solutions. This condition is in contravention of the Nuisance and General Sanitation Regulation, 243/2003 Part I, sections 2(1) and 2(2)(a) which states as follows:
 - a. 2(1) No person shall create, commit or maintain a nuisance.
 - b. 2(2) Without limiting the generality of subsection (1), a person who creates, commits or maintains (a) any premises in a condition that is or might become injurious or dangerous to the public health or that might hinder in any manner the prevention or suppression of disease is deemed to have created, committed or maintained a nuisance.
2. Heating and ventilation deficiencies, resulting from modifications and/or contamination to heating air filtration and/or air handling systems (furnace and ventilation system) within the residence, including duct work and exhaust venting. This condition is in contravention of the Minimum Housing and Health Standards section IV(8)(a)(i) which states as follows:
 - a. IV (8)(a)(i) All heating facilities within a housing premises are to be properly installed and maintained in good working condition, and be *capable* of safely and adequately heating all habitable rooms.
3. The existence of unsafe electrical connections and deficiencies resulting from unapproved modifications of building fixtures, including installation of unapproved electrical connections throughout the house and shop area to electrify equipment used in the marihuana grow operation. This condition is in contravention of the Minimum Housing and Health Standards section IV(I 1) which states as follows:
 - a. IV(I 1) 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.

4. The existence of Nuisance conditions from chemical contamination of floors, floor coverings, walls and other interior surfaces due to use of chemicals, including but not limited to fertilizers, grow enhancers, pesticides and other chemicals associated with plant growth. This condition is in contravention of the Nuisance and General Sanitation Regulation 243/2003 Part I, sections 2(1) and 2(2)(e) which states as follows:
 - a. 2(1) No person shall create, commit or maintain a nuisance.
 - b. 2(2)(e) Without limiting the generality of subsection (1), a person who creates, commits or maintains (e) any accumulation or deposit of offensive matter, waste or manure wherever situated, that, is or might become injurious or dangerous to the public health or that might hinder in any manner the prevention or suppression of disease is deemed to have created, committed or maintained a nuisance.

5. The existence of mould contamination of walls, ceilings, and cavities throughout the premises due to installation of poly-film and other building materials on walls and ceilings, as a result of high humidity conditions and water damage. This condition is in contravention of the Nuisance and General Sanitation Regulation 243/2003 Part I, sections 2(1) and 2(2)(h) which states as follows:
 - a. 2(1) No person shall create, commit or maintain a nuisance.
 - b. 2(2)(h) Without limiting the generality of subsection (1), a person who creates, commits or maintains (h) any building that, due to (i) its not being in a clean state, (ii) the presence in it of noxious vapours or odours arising from any drain, water closet or urinal, or (iii) lack of ventilation in it sufficient to render harmless any gases, vapours dust or other impurities generated in it, is or might become injurious or dangerous to the public health or that might hinder in any manner the prevention or suppression of disease is deemed to have created, committed or maintained a nuisance.

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 all and any occupants vacate the above noted premises immediately.
2. That the owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Conduct a building assessment and remediation procedure in consultation with an environmental consultant and/or by hiring an Environmental

Consultant or Industrial/Occupational Health Consultant. Documentation of all remediation work must be provided by the qualified consultant and a copy must be provided to this office.

- i. Where water damage has occurred, the area(s) must be assessed to determine the extent of damage and mould contamination. This assessment must include insulation and any other absorbent material in wall and ceiling cavities, including the attic. All mouldy materials must be removed and the area cleaned and dried before repairs and refinishing are completed.

Where mould growth is extensive, mould remediation must be consistent with procedures in these, their most recent editions, or similar documents:

- Mould Remediation in Schools and Commercial Buildings (EPA, 2001)
 - Guidelines on Assessment and Remediation of Fungi in Indoor Environments (New York City Department of Health, 2002)
 - Mould Guidelines for the Canadian Construction Agency (CCA, 2004)
 - Mould in Indoor Environments Risk Assessment and Management Program
 - Handbook (Alberta Research Council/ Alberta Infrastructure and Transportation 2006)
- ii. Where chemical contamination has occurred, the area(s) must be assessed to determine the extent of chemical spillage, remediation and disposal is to be conducted in accordance with industry standards, hazardous materials handling protocols, and/or executive officer's direction.
 - b. Repair and restore damaged building materials, finishes and windows, ensuring that the building is windproof, weatherproof and waterproof.
 - c. Repair and restore heating, ducting and ventilation systems to proper operating condition.
 - d. Repair and restore plumbing systems to proper operating condition.
 - e. Repair and restore gas supply systems to proper operating condition.
 - f. Repair and restore electrical systems to proper operating condition.
 - g. Remove any contaminated materials from walls, ceiling and floors.
 - h. Remove and properly dispose of any liquid chemicals.
 - i. Reduce interior clutter and properly dispose of waste materials.
 - j. Submit documentation/confirmation related to the following:
 - A current assessment and cleaning of the complete heating system by a qualified contractor, and ensure that all repairs and upgrades are carried out by a qualified contractor.

- A current assessment of the complete electrical system by a qualified contractor, and ensure that all repairs and upgrades are carried out by a qualified contractor.
 - A current assessment of any gas appliances (which may include the heating system) and associated gas lines by a qualified contractor, and ensure that all repairs and upgrades are carried out by a qualified contractor.
 - A current assessment of the complete plumbing and sewage system by a qualified contractor, and ensure that all repairs and upgrades are carried out by a qualified contractor.
 - A complete visual assessment to include all areas of the premise from the environmental consultant with air quality sampling.
 - A cleaning report indicating that all surfaces in the premise have been washed.
- k. Obtain permits, conduct repairs and request approval inspection by, and without limitation, these officers:
- Executive Officer of Health - Public Health; and
 - Any other inspector or utility technician, as required by the Executive Officer.
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 (August 15, 2012) 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 Drayton Valley, Alberta, August 15, 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 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.m.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

Copy **Juan Crovetto**