

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

To: Michael Francis
"the Owner"

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

RE: Those housing premises located in Didsbury, Alberta and municipally described as:

Unit A, 1427 21st Avenue, Didsbury

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. All bedroom windows are a hopper style window with chains in place which prevent the window from opening wide enough to allow proper egress during a fire.
- b. According to the Didsbury Safety Codes Officer, there is no fire rating between the unoccupied basement and the suite above. A small space heater is used to heat the basement unit.
- c. The building appears to be quite old and may have been built prior to 1980; therefore asbestos could be a concern.
- d. The ceiling was damaged in the dining room, living room and bedroom 2 (the 2nd bedroom on the left when approaching the bedrooms from the living room).
- e. Water stains were observed on the ceiling and walls in the dining room, living room and bedroom 2.
- f. Mould growth was observed on wooden studs, walls and construction debris in the basement unit located beneath this unit. Tenants in Unit A have been experiencing ongoing respiratory symptoms which started soon after they moved into the unit.
- g. Frost build up was observed on the walls in the basement unit located beneath this unit.
- h. Water stains and efflorescence were observed on the concrete walls and the floor in the basement unit located beneath this unit.
- i. The guard rails on the exterior front and back steps and porch were inadequate. The space between the balusters/spindles measured up to 5.5 inches in some areas.
- j. Many of the windows throughout the house were single-paned. Some windows had double panes on two thirds of the window (the other third was an insect screen and a single pane). The window on the front door was also single paned.
- k. The window was cracked in bedroom 1 (first bedroom on the left when approaching the bedrooms from the living room).
- l. The insect screen on the kitchen window was damaged.

- m. The Arborite finish on the edge of the kitchen counter was missing in one area (an absorbent wooden finish was exposed).
- n. The tile is damaged behind the bathroom sink.
- o. The caulking is damaged on the sink where it is connected to the wall.

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. All bedroom windows are a hopper style window with chains in place which prevent the window from opening wide enough to allow proper egress during a fire. This is in contravention of Section III(3)(b)(ii) of the Minimum Housing and Health Standards which states that: Windows referred to in Section III(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”).
- b. According to the Didsbury Safety Codes Officer, there is no fire rating between the unoccupied basement and the suite above. A small space heater is used to heat the basement unit. This is in contravention of Section 5(2) of the Housing Regulation, 2001 which states that: No person shall cause or permit any condition in housing premises that is or may become injurious or dangerous to the public health, including any condition that may hinder in any way the prevention or suppression of disease.
- c. The building appears to be quite old and may have been built prior to 1980; therefore asbestos could be a concern. This is in contravention of Section 5(2) of the Housing Regulation, 2001 which states that: No person shall cause or permit any condition in housing premises that is or may become injurious or dangerous to the public health, including any condition that may hinder in any way the prevention or suppression of disease.
- d. The ceiling was damaged in the dining room, living room and bedroom 2 (the 2nd bedroom on the left when approaching the bedrooms from the living room). This is in contravention of Section 3(1)(a)(iii) of the Housing Regulation, 2001 which states that: Subject to subsection (3) and Section 4, an owner shall ensure that the housing premises are in good repair. This is also 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.
- e. Water stains were observed on the ceiling and walls in the dining room, living room and bedroom 2. This is in contravention of Section III(1)(a,b) of the Minimum Housing and Health Standards which states that: the housing premises shall be structurally sound, and; basements, cellars or crawl spaces shall be structurally sound, and maintained in good repair and free from water infiltration and accumulation.
- f. Mould growth was observed on wooden studs, walls and construction debris in the basement unit located beneath this unit. Tenants in Unit A have been experiencing ongoing respiratory symptoms which started soon after they moved into the unit. This is in contravention of Section 5(2) of the Housing Regulation, 2001 which states that: No person shall cause or permit any condition in housing premises that is or may become injurious or dangerous to the public health, including any condition that may hinder in any way the prevention or suppression of disease.
- g. Frost build up was observed on the walls in the basement unit located beneath this unit. This is in contravention of Section III(1)(a,b) of the Minimum Housing and Health

Standards which states that: the housing premises shall be structurally sound, and; basements, cellars or crawl spaces shall be structurally sound, and maintained in good repair and free from water infiltration and accumulation.

- h. Water stains and efflorescence were observed on the concrete walls and the floor in the basement unit located beneath this unit. This is in contravention of Section III(1)(a,b) of the Minimum Housing and Health Standards which states that: the housing premises shall be structurally sound, and; basements, cellars or crawl spaces shall be structurally sound, and maintained in good repair and free from water infiltration and accumulation.
- i. The guard rails on the exterior front and back steps and porch were inadequate. The space between the balusters/spindles measured up to 5.5 inches in some areas. This is in contravention of Section III(3)(c)(i) of the Minimum Housing and Health Standards which states that: Inside or outside stairs or porches including all treads, risers, supporting structural members, handrails, 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.
- j. Many of the windows throughout the house were single-paned. Some windows had double panes on two thirds of the window (the other third was an insect screen and a single pane). The window on the front door was also single paned. This is in contravention of Section III(2)(b)(ii) of the Minimum Housing and Health Standards which states that: 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.
- k. The window was cracked in bedroom 1 (first bedroom on the left when approaching the bedrooms from the living room). This is in contravention of Section III(2)(b)(i) of the Minimum Housing and Health Standards which states that: All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof.
- l. The insect screen on the kitchen window was damaged. This is in contravention of Section III(2)(b)(iii) of the Minimum Housing and Health Standards which states that: During the portion of the year when there is a need for protection against flies and other flying insects, every window or other device intended for ventilation shall be supplied with effective screens.
- m. The Arborite finish on the edge of the kitchen counter was missing in one area (an absorbent wooden finish was exposed). 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. The tile is damaged behind the bathroom sink. 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.
- o. The caulking is damaged on the sink where it is connected to the wall. 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.

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 April 5th, 2018.
2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Modify or replace the bedroom windows so that the windows meet the emergency egress window requirements detailed in the Minimum Housing and Health Standards.
 - b. Install an interconnected smoke alarm in the basement which can be heard clearly in Unit A.
 - c. Provide proof that the building was built after 1980. If the building is older than 1980, hire a professional asbestos abatement company to conduct asbestos testing of any materials that will be disturbed during remediation/repair. Provide a copy of the asbestos test results to an executive officer with Alberta Health Services prior to beginning repairs. Follow the Alberta Asbestos Abatement Manual requirements if asbestos is found in any materials which will be disturbed during remediation/repairs.
 - d. Determine and correct the cause of the water infiltration in Unit A.
 - e. Remove all water damaged materials and repair the water damaged ceiling and walls in the dining room, living room and bedroom 2 of Unit A. Provide proof (e.g. photos) which show that the water damaged materials have been removed rather than painted over.
 - f. Determine and correct the cause of the water infiltration in the basement unit.
 - g. Remove all water damaged and mouldy materials from the basement unit.
 - h. Heat the basement unit during winter months to prevent pipes from Unit A from freezing.
 - i. Repair or replace the guard rails on the front and back steps and porch so that they comply with the Alberta Building Code. The opening between baulsters/spindles must not exceed 100 mm (4 inches).
 - j. Install a storm sash, double glazing, or other durable thermal/air resistant barrier as may be approved by the Executive Officer on all windows which are currently single-paned.
 - k. Replace the cracked window in bedroom 1.
 - l. Replace the damaged insect screen on the kitchen window.
 - m. Repair the kitchen counter and ensure that all counter surfaces have a smooth, non-absorbent and easily cleanable finish.
 - n. Repair the damaged wall behind the bathroom sink. The surface should be smooth, non-absorbent and easily cleanable.
 - o. Replace the caulking on the bathroom sink.
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 Airdrie, Alberta, on the 29th day of March, 2018.

Lindsay Sullivan, 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: 780-222-5186
Fax: 780-422-0914
Email: HealthAppealBoard@gov.ab.ca
Website: <http://www.health.alberta.ca/about/PHAB.html>

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.

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 at 780-427-4518 or by visiting: www.health.alberta.ca/about/health-legislation.html

AIRDRIE Regional Health Centre

604 Main Street South
Airdrie, AB T4B 3K7
Phone: 403-912-8400
Fax: 403-912-8410

CLARESHOLM Health Unit

5221 2nd Street W
PO Box 1391
Claresholm, AB T0L 0T0
Phone: 403 625-4061
Fax: 403-625-4062

BANFF Health Unit

303 Lynx Street
PO Box 1266
Banff, AB T1L 1B3
Phone:403-762-2990
Fax: 403-762-5570

COCHRANE Community Health Centre

60 Grande Boulevard
Cochrane, AB T4C 0S4 Phone:
403-851-6000
Fax:403- 851-6009

CALGARY - Southport Atrium

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

OKOTOKS Health and Wellness Centre

11 Cimarron Common
Okotoks, AB T1S 2E9
Phone: 403-995-2600
Fax: 403-995-2639

CANMORE Public Health

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

STRATHMORE Public Health Office

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

www.albertahealthservices.ca/eph.asp