

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

To: 1283306 ALBERTA LTD.
"the Owner"

&

Jeff Kulyk
"the Director"

And To: All Occupant(s) of the following Housing premises: 1831 15 Street SW – Main Unit and Basement Unit

RE: Those housing premises located in Calgary, Alberta and municipally described as:
1831 15 Street SW – Main Unit and Basement Unit

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:

Common

- a. As per an ATCO Gas report, the furnace was leaking carbon monoxide and heat exchangers were damaged beyond repair. ATCO Gas obtained a carbon monoxide reading of 234 ppm. The furnace was shut off for Safety concerns by ATCO Gas.
- b. As a result of the furnace shut off, no heat was supplied to the house.
- c. The roof shingles were rotted, curled, and lifted.
- d. Two roof vent covers were cracked, and damaged.
- e. The rear exterior deck had loose or rotten floorboards.
- f. The front and side exterior doors were missing deadbolt locks.
- g. Bird nesting material was lodged in the eaves above the NE bedroom window.

Main

- h. The NW facing bedroom window was too small for emergency egress requirements, measuring 12 x 28 inches (2.3 sq. ft.). The window opening was further reduced in size due to the awning mechanism in the center of the window. Further, this mechanism was loose thus preventing the window from opening and closing properly.
- i. The NE facing bedroom window was too small for emergency egress requirements measuring 11 x 42 inches (3.4 sq. ft.). The window width was too narrow measuring less than 15 inches which is not permitted for emergency egress windows. Also, the crank was loose, so the window did not open or close properly.
- j. The rear storm door handle was missing.

- k. The smoke alarm was missing in the hallway outside the bedrooms.
- l. The NE bedroom closet had water damaged/moldy baseboards.
- m. The carpet was lifting and ripped at the transition between rooms, exposing sharp carpet tack strips.
- n. The outlets in the living room were missing covers and many of the outlets did not align properly with covers.
- o. The caulking at the joint of the kitchen counter and backsplash was cracked.
- p. The bottom surface of the base cabinet under the kitchen sink was unfinished wood.
- q. The wall next to the bathtub was water damaged.
- r. The bathroom sink surface was chipped.
- s. The bathroom shower surround had a hole.
- t. The caulking around the shower surround did not make a tight seal between the seams of the shower surround walls.
- u. The bathroom fan was not working.

Basement

- v. The basement living room was being used as a bedroom but had no emergency egress windows.
- w. The basement bedroom window opening was too small for emergency egress requirements, measuring 17 x 29 (3.42 sq. ft.). Also, the style of window was inappropriate for egress because it required special tools or knowledge to open the window in case of an emergency.
- x. The basement bedroom window was single paned.
- y. The basement smoke alarm was missing.

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:

Common

- a. As per an ATCO Gas report, the furnace was leaking carbon monoxide and heat exchangers were damaged beyond repair. ATCO Gas obtained a carbon monoxide reading of 234 ppm. The furnace was shut off for Safety concerns by ATCO Gas. This is in contravention of section IV(8)(a)(i) of the Minimum Housing and Health Standards which states that: 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, bathrooms, and toilet rooms within the building to a temperature of at least 22°C(71°F), or maintained at a temperature of at least 22°C(71°F) when the control of the supplied heat in a dwelling is the responsibility of a person other than the occupant.
- b. As a result of the furnace shut off, no heat was supplied to the house. This is in contravention of section IV(8)(a)(i) of the Minimum Housing and Health Standards which states that: 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, bathrooms, and toilet rooms within the building to a temperature of at least 22°C(71°F), or maintained at a temperature of at least 22°C(71°F) when the control of the supplied heat in a dwelling is the responsibility of a person other than the occupant.

- c. The roof shingles were rotted, curled, and lifted. This is in contravention of section III(2)(a) of the Minimum Housing and Health Standards which states that: The roof and exterior cladding of walls shall be maintained in a waterproof, windproof and weatherproof condition.
- d. Two roof vent covers were cracked, and damaged. This is in contravention of section III(2)(a) of the Minimum Housing and Health Standards which states that: The roof and exterior cladding of walls shall be maintained in a waterproof, windproof and weatherproof condition.
- e. The rear exterior deck had loose or rotten floorboards. This is in contravention of section III(2)(a) of the Minimum Housing and Health Standards which states that: The roof and exterior cladding of walls shall be maintained in a waterproof, windproof and weatherproof condition.
- f. The front and side exterior doors were missing deadbolt locks. This is in contravention of section III(3)(a) of the Minimum Housing and Health Standards which states that: Exterior windows and doors shall be capable of being secured.
- g. Bird nesting material was lodged in the eaves above the NE bedroom window. 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.

Main

- h. The NW facing bedroom window was too small for emergency egress requirements, measuring 12 x 28 inches (2.3 sq. ft.). The window opening was further reduced in size due to the awning mechanism in the center of the window. Further, this mechanism was loose thus preventing the window from opening and closing properly. 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 (3.8ft²), with no dimension less than 380 mm (15”).
- i. The NE facing bedroom window was too small for emergency egress requirements measuring 11 x 42 inches (3.4 sq. ft.). The window width was too narrow measuring less than 15 inches which is not permitted for emergency egress windows. Also, the crank was loose, so the window did not open or close properly. 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 (3.8ft²), with no dimension less than 380 mm (15”).
- j. The rear storm door handle was missing. 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.
- k. The smoke alarm was missing in the hallway outside the bedrooms. This is in contravention of section IV(12) of the Minimum Housing and Health Standards which states that: 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.
- l. The NE bedroom closet had water damaged/moldy baseboards. 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.

- m. The carpet was lifting and ripped at the transition between rooms, exposing sharp carpet tack strips. 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.
- n. The outlets in the living room were missing covers and many of the outlets did not align properly with covers. 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.
- o. The caulking at the joint of the kitchen counter and backsplash was cracked. 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.
- p. The bottom surface of the base cabinet under the kitchen sink was unfinished wood. 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.
- q. The wall next to the bathtub was water damaged. 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.
- r. The bathroom sink surface was chipped. This is in contravention of section IV(6)(c) of the Minimum Housing and Health Standards which states that: All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.
- s. The bathroom shower surround had a hole. This is in contravention of section IV(6)(c) of the Minimum Housing and Health Standards which states that: All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.
- t. The caulking around the shower surround did not make a tight seal between the seams of the shower surround walls. This is in contravention of section IV(6)(c) of the Minimum Housing and Health Standards which states that: All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.
- u. The bathroom fan was not working. This is in contravention of section IV(7)(c) of the Minimum Housing and Health Standards which states that: All rooms containing a flush toilet and/or bathtub or shower shall be provided with natural or mechanical ventilation.

Basement

- v. The basement living room was being used as a bedroom but had no emergency egress windows. This is in contravention of section III(3)(b)(i) 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, and also 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 (3.8ft²), with no dimension less than 380 mm (15”).

- w. The basement bedroom window opening was too small for emergency egress requirements, measuring 17 x 29 (3.42 sq. ft.). Also, the style of window was inappropriate for egress because it required special tools or knowledge to open the window in case of an emergency. 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 (3.8ft²), with no dimension less than 380 mm (15”).
- x. The basement bedroom window was 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.
- y. The basement smoke alarm was missing. This is in contravention of section IV(12) of the Minimum Housing and Health Standards which states that: 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.

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 26, 2022.
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 or replace the furnace and restore heat to the house.
 - b. Hire a roofing company to assess the roof and attic, to repair the vent covers, and to repair or replace all other damaged building materials on the roof and in the attic.
 - c. Repair or replace deck floorboards.
 - d. Install front and side exterior door deadbolt locks. Also, install a handle on the rear storm door.
 - e. Remove bird nesting material and clean eaves.
 - f. Replace bedroom windows so that they meet emergency egress requirements cited in the Minimum Housing and Health Standards.
 - g. Install smoke alarms near bedrooms in the main floor and basement units.
 - h. Remove water damaged baseboards and cut out drywall a foot from the floor in the main floor NE bedroom. Assess insulation and replace if necessary. Then repair drywall and install new baseboards.
 - i. Repair or replace the main floor carpet.
 - j. Ensure all electrical outlets are properly secured with covers installed.
 - k. Replace caulking along kitchen counter to backsplash.
 - l. Refinish the bottom surface of the kitchen base cabinet and the bathroom vanity.
 - m. Repair the drywall on the main floor bathroom wall next to the bathtub.
 - n. Repair the main floor bathroom sink surface.

- o. Repair the hole in the main floor bathroom shower surround, and recaulk all the shower surround joints.
 - p. Repair or replace the main floor bathroom fan.
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 Calgary, Alberta, April 25, 2022
Confirmation of a verbal order issued to Jeff Kulyk on April 21, 2022.

Executive Officer
Alberta Health Services

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, ATB Place North Tower
10025 Jasper Avenue NW
Edmonton, Alberta, T5J 1S6
Phone: 780-222-5186
Fax: 780-422-0914
Email: HealthAppealBoard@gov.ab.ca
Website: <https://www.alberta.ca/public-health-appeal-board.aspx>

A Notice of Appeal form may be obtained by contacting Alberta Health Services at 1-833-476-4743 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: <https://www.alberta.ca/health-standards-and-guidelines.aspx>

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