

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

To: Garry Brezovski
"the Owner"

And To: All Occupant(s) of the following Housing premises: 2000 Cottonwood Crescent SE

RE: Those housing premises located in Calgary, Alberta and municipally described as:
2000 Cottonwood Crescent SE

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:

Main Floor (owner occupied)

- a. There are significant amounts of visible mould growth in various areas of the main floor including but not limited to: the living room ceiling, bathroom drywall, and below the windowsill in one of the bedrooms.
- b. Water has infiltrated into several areas of the main floor including but not limited to: the living room ceiling, bathroom drywall, and below the window sill in one of the bedrooms. Significant water staining was observed.
- c. The hot water tank is not operational.

Basement (tenanted)

- a. The openable area of the window in each bedroom is too small for emergency egress.
- b. There is visible mould growth in various areas of the basement including but not limited to: the wall/ceiling joints of the bedroom close to the stairs, on the baseboards of the bedroom next to the furnace room, on the washroom windowsill, and on the drywall above the window in the living room.
- c. Water has infiltrated into several areas of the basement including but not limited to, the wall/ceiling joints of the bedroom close to the stairs, on the baseboards of the bedroom next to the furnace room, and above the window in the living room. Significant water staining was observed.
- d. Several HVAC vent covers are missing throughout the suite. This includes two on the ceiling in the living room area.

- e. There is a large hole in the drywall in the hallway outside of the washroom/bedroom area.
- f. The hot water tank is not operational.
- g. The base of the cupboard below the kitchen sink has some water damage and the finish is chipping.
- h. The flooring tiles around the toilet are peeling away, exposing raw wood.
- i. An electrical plate cover in one of the basement bedrooms is cracked/damaged.
- j. The paint on the bathroom windowsill is peeling, exposing bare wood.
- k. The egress window in the bedroom next to washroom is boarded up.
- l. A section of wall in the bedroom next to the furnace room is damaged/unfinished, exposing bare drywall.
- m. The door frame of the bedroom next to the washroom is missing sections, exposing bare drywall.

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:

Main Floor (owner occupied)

- a. There are significant amounts of visible mould growth in various areas of the main floor including but not limited to: the living room ceiling, bathroom drywall, and below the window sill in one of the bedrooms. This is in contravention of the Nuisance and General Sanitation Regulation Section 2(1) which states that no person shall create, commit or maintain a nuisance.
- b. Water has infiltrated into several areas of the main floor including but not limited to: the living room ceiling, bathroom drywall, and below the window sill in one of the bedrooms. Significant water staining was observed. This is in contravention of the Nuisance and General Sanitation Regulation Section 2(1) which states that no person shall create, commit or maintain a nuisance.
- c. The hot water tank is not operational. This is in contravention of the Nuisance and General Sanitation Regulation Section 2(1) which states that no person shall create, commit or maintain a nuisance.

Basement (tenanted)

- a. The openable area of the window in each bedroom is too small for emergency egress. This is in contravention of the Minimum Housing and Health Standards section 3(b)(ii) 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”).
- b. There is visible mould growth in various areas of the basement including but not limited to: the wall/ceiling joints of the bedroom close to the stairs, on the baseboards of the bedroom next to the furnace room, on the washroom windowsill, and on the drywall above the window in the living room. This is in contravention of the Minimum Housing and Health

Standards section 1(c) which states that building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.

- c. Water has infiltrated into several areas of the basement including but not limited to, the wall/ceiling joints of the bedroom close to the stairs, on the baseboards of the bedroom next to the furnace room, and above the window in the living room. Significant water staining was observed. This is in contravention of the Minimum Housing and Health Standards section 1(a,b) which states that basements, cellars or crawl spaces shall be structurally sound, maintained in good repair and free from water infiltration and accumulation.
- d. Several HVAC vent covers are missing throughout the suite. This includes two on the ceiling in the living room area. This is in contravention of the Minimum Housing and Health Standards section 5 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. There is a large hole in the drywall in the hallway outside of the washroom/bedroom area. This is in contravention of the Minimum Housing and Health Standards section 5 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.
- f. The hot water tank is not operational. This is in contravention of the Minimum Housing and Health Standards section 9(a) which states that all hot running water shall be maintained at a temperature of not less than 46 degrees C (114 degrees F), and not more than 60 degrees C (140 degrees F) measured at the plumbing fixture.
- g. The base of the cupboard below the kitchen sink has some water damage and the finish is chipping. This is in contravention of the Minimum Housing and Health Standards section 14(a)(ii) 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.
- h. The flooring tiles around the toilet are peeling away, exposing raw wood. This is in contravention of the Minimum Housing and Health Standards section 5 which states that all walls, windows, ceiling, floors, and floor coverings shall be maintained in good repair, free of cracks, holes, loose or lifting covering and in a condition that renders it easy to clean.
- i. An electrical plate cover in one of the basement bedrooms is cracked/damaged. This is in contravention of the Minimum Housing and Health Standards section 11 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.
- j. The paint on the bathroom windowsill is peeling, exposing bare wood. This is in contravention of the Minimum Housing and Health Standards section 5 which states that all walls, windows, ceiling, floors, and floor coverings shall be maintained in good repair, free of cracks, holes, loose or lifting covering and in a condition that renders it easy to clean.
- k. The window in the bedroom next to washroom is boarded up. This is in contravention of the Minimum Housing and Health Standards section 3(b)(ii) which states that windows referred to in section 3(b)(i) shall provide unobstructed openings with areas not less than 0.35 square meters (3.8 square feet).
- l. A section of wall in the bedroom next to the furnace room is damaged/unfinished, exposing bare drywall. This is in contravention of the Minimum Housing and Health Standards section 5 which states that all walls, windows, ceiling, floors, and floor coverings shall be

maintained in good repair, free of cracks, holes, loose or lifting covering and in a condition that renders it easy to clean.

- m. The door frame in the bedroom next to the washroom is missing sections, exposing bare drywall. This is in contravention of the Minimum Housing and Health Standards section 5 which states that all walls, windows, ceiling, floors, and floor coverings shall be maintained in good repair, free of cracks, holes, loose or lifting covering and in a condition that renders it easy to clean.

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 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. Identify the source of the water infiltration and make all necessary repairs to prevent reoccurrence.
 - b. Remove all building materials that are mouldy, deteriorated, saturated with water and/or water stained, and replace with new materials.
 - c. Repair all holes in walls.
 - d. Ensure the hot water tank is operational and a consistent supply of hot water is available.
 - e. Modify or replace the basement bedroom windows such that they meet egress requirements cited in the Minimum Housing and Health Standards.
 - f. Install vent covers where they are missing.
 - g. Repair the cupboard below the basement kitchen sink.
 - h. Repair the flooring around the base of the toilet in the basement washroom.
 - i. Replace the broken electrical plate cover in the basement bedroom next to the washroom.
 - j. Finish the bare drywall in the basement bedroom next to the furnace room.
 - k. Repair the door frame in the bedroom next to the basement washroom.
 - l. Remove the carpet next to the mouldy base boards in the basement bedroom next to the washroom.
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 Calgary, Alberta, July 23, 2021

Confirmation of a voicemail left for Gary Brezovski on July 23, 2021.

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 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: <https://www.alberta.ca/health-standards-and-guidelines.aspx>

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www.albertahealthservices.ca/eph.asp