

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

**To:** Lorene Fowler-Crosby  
"the Owner"

Darran Dayan  
"the Owner"

**And To:** All Occupant(s) of the following Housing premises: 2203 23<sup>rd</sup> Street Nanton, Alberta.

**RE:** Those housing premises located in Nanton, Alberta and municipally described as:  
2203 23<sup>rd</sup> Street.

**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. The house does not have access to any utilities, including water, power, or heat.
- b. No water is available for use in the house.
- c. The toilet in the washroom was unable to flush due to a lack of available water. Human feces were observed to have accumulated in the toilet. The shower in the washroom could not operate due to a lack of available water.
- d. The sink in the washroom is not being supplied with water.
- e. Animal waste (feces and vomit) was noted throughout the house. The carpet throughout most of the house was significantly stained and emitted strong odours of animal feces.
- f. Mould growth was noted on a wall in the back room of the house, in an area approximately ten square feet in size.
- g. The deadbolt lock at the front door of the house does not fully engage, preventing it from properly locking. The only locking mechanism available is a makeshift latch that can only lock from the inside.
- h. A functional smoke alarm was not observed in the house.
- i. The refrigerator in the kitchen is not operational due to the lack of available power.
- j. A stove or other suitable cooking appliance was not observed in the house.
- k. Garbage and other refuse were accumulated in large piles throughout the house.

**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. The house does not have access to any utilities, including water, power, or heat. This is in contravention of Section 8(d) of the Minimum Housing and Health Standards which states that “Every owner of a housing premises shall ensure a continuous supply of electricity, water and heat unless the rental agreement stipulates that such utility services are the sole responsibility of the occupant”.
- b. No water is available for use in the house. This is in contravention of Section 9 of the Minimum Housing and Health Standards which states that “Every building used in whole or in part, as housing premises shall be supplied with a potable water supply of sufficient volume, pressure and temperature to serve the needs of the inhabitants”.
- c. The toilet in the washroom was unable to flush due to a lack of available water. Human feces were observed to have accumulated in the toilet. The shower in the washroom could not operate due to a lack of available water. This is in contravention of Sections 6(c) and 7 of the Minimum Housing and Health Standards which states that “Every housing premises shall be provided with plumbing fixtures of an approved type consisting of at least a flush toilet, a wash basin, and a bathtub or shower that shall be serviceable, free from leaks, trapped and vented to the outside”.
- d. The sink in the washroom is not being supplied with water. This is in contravention of Section 9 of the Minimum Housing and Health Standards which states that “Every housing premises shall be provided with a wash basin that is in the same room as the flush toilet or in close proximity to the door leading directly into the room containing the flush toilet. The basin shall be supplied with hot and cold running water, serviceable, free from leaks, trapped and vented to the outside”.
- e. Animal waste (feces and vomit) was noted throughout the house. The carpet throughout most of the house was significantly stained and emitted strong odours of animal feces. This is in contravention of Section 5(2) of the Housing Regulation 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”.
- f. Mould growth was noted on a wall in the back room of the house, in an area approximately ten square feet in size. This is in contravention of Section 5(2) of the Housing Regulation 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. The deadbolt lock at the front door of the house does not fully engage, preventing it from properly locking. The only locking mechanism available is a makeshift latch that can only lock from the inside. This is in contravention of Section 3(a) of the Minimum Housing and Health Standards which states that “Exterior windows and doors shall be capable of being secured”.
- h. A functional smoke alarm was not observed in the house. This is in contravention of Section 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”.
- i. The refrigerator in the kitchen is not operational due to the lack of available power. This is in contravention of Section 14(a)(iv) of the Minimum Housing and Health Standards which states that “Every housing premises shall be provided with a food preparation area, which includes a stove and a refrigerator that are maintained in a safe and proper operating condition. The refrigerator shall be capable of maintaining a temperature of 4 degrees C. (40°F)”.
- j. A stove or other suitable cooking appliance was not observed in the house. This is in contravention of Section 14(a)(iv) of the Minimum Housing and Health Standards which

states that “Every housing premises shall be provided with a food preparation area, which includes a stove and a refrigerator that are maintained in a safe and proper operating condition.”

- k. Garbage and other refuse were accumulated in large piles throughout the house. This is in contravention of Section 5(2) of the Housing Regulation 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”.

**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 the 30<sup>th</sup> of September 2024.
2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
  - a. Restore access to water, power, and heat in the house
  - b. Ensure the washroom facilities comply with Section 7 of the Minimum Housing and Health Standards
  - c. Remediate all fecal-contaminated materials and surfaces throughout the house
  - d. Remediate the mould contaminated wall
  - e. Repair the front door of the house so it can be reliably locked
  - f. Install an operational smoke detector in or near any sleeping area(s)
  - g. Ensure the refrigerator in the kitchen can maintain a temperature of 4°C
  - h. Install a stove or other suitable cooking appliance which satisfies Section 14(a)(iv) of the Minimum Housing and Health Standards
  - i. Remove accumulated garbage and refuse from the premises
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, on the 20<sup>th</sup> of September 2024.

Confirmation of a verbal order issued to Darran Dayan on the 19<sup>th</sup> of September 2024.

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](mailto:HealthAppealBoard@gov.ab.ca)  
Website: <https://www.alberta.ca/public-health-appeal-board.aspx>

A Notice of Appeal form may be obtained by contacting the Public Health Appeal Board or visiting their website.

Health Legislation, Regulations and Standards

Electronic versions of the Public Health Act and Regulations are available at the Alberta King's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or <https://www.alberta.ca/alberta-kings-printer.aspx>.

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**Copies of standards are available by visiting:** <https://www.alberta.ca/health-standards-and-guidelines.aspx>

Template revised October 13, 2022