

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

To: Mahmoud Feki
"the Owner"

And To: All Occupant(s) of the following Housing premises: 2519 38 Street NE – Unit 29

RE: Those housing premises located in Calgary, Alberta and municipally described as:
2519 38 Street NE – Unit 29

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. There was no running water available throughout the unit.
- b. There was no operational toilet in the unit. The upstairs toilet had feces accumulating out of the toilet bowl and the bathtub had feces and urine in it.
- c. There was an accumulation of human waste noted along the exterior rear siding, in a container, and on the ground in the backyard, which is an indication the occupants were defecating and urinating outdoors in the backyard and/or disposing of waste outdoors.
- d. There was no openable window in the basement bedroom to allow for emergency egress.
- e. The smoke alarm installed in the hallway near the basement bedroom was not operational.
- f. The smoke alarm installed in the hallway outside of the upper bedrooms was hanging by its electrical wires, not secured in place, and not operational.
- g. There was no stove or a properly sized fridge available in the home.
- h. There was no handrail installed along the stairs to the basement.
- i. The ceiling above the bunk bed in the main floor living room was badly water damaged, bulging, and mouldy throughout.
- j. The corner ceiling in the main floor bedroom was water damaged, cracked, stained, bulging, and appeared to be collapsing.
- k. The left window lock was damaged and ineffective for the upstairs bedroom window facing the backyard.
- l. There was feces smeared on the walls throughout the home.
- m. The right windowpane of the kitchen window was missing, and a wooden board was haphazardly placed against the window to block the exposed hole.
- n. There were flammable items such as clothing and tires stored directly beside the furnace.
- o. There were several holes in the basement bedroom walls.
- p. The ceiling in the hallway outside the basement bedroom was unfinished.
- q. Several floor tiles in the upstairs bathroom were badly cracked.

- r. Portions of the walls around the main floor bedroom were unfinished and raw porous wood was exposed.
- s. A fist sized hole was noted in the wall near the bottom of the stairs.
- t. A fist sized hole was noted in the wall of the main floor bedroom.
- u. The kitchen cupboard base panel and back panel located under the kitchen sink was badly water damaged and mouldy.
- v. A kitchen cupboard drawer front was missing from the cupboard near the sink.
- w. The lower kitchen window trim was missing, and portions of the exposed wood was water damaged/ mouldy.
- x. There was a square shaped hole in the flooring near the front door.
- y. There was an accumulation of furniture, garbage, and refuse in the backyard of the property.
- z. There was an accumulation of refuse and garbage piled waist high along the bottom of the stairs, blocking access to the basement area almost completely.
- aa. There were no insect screens installed along most of the openable windows throughout the home.
- bb. There was a fly infestation throughout the home.

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. There was no running water available throughout the unit. This is a contravention of section IV(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. There was no operational toilet in the unit. The upstairs toilet had feces accumulating out of the toilet bowl and the bathtub had feces and urine in it. This is a contravention of section IV(6)(a) of the Minimum Housing and Health Standards which states that: The plumbing system and the sanitary drainage system or private sewage disposal system, as the case may be, including drains, fixtures, traps, vents, stacks, waste disposal facilities, pumpout sewage holding tanks, septic tanks and the disposal system shall be maintained in a proper operating condition. This is also a contravention of section IV(6)(b) of the Minimum Housing and Health Standards which states that: Adequate water volume and pressure shall be provided to ensure the proper operation and flushing of all fixtures.
- c. There was an accumulation of human waste noted along the exterior rear siding, in a container, and on the ground in the backyard, which is an indication the occupants were defecating and urinating outdoors in the backyard and/or disposing of waste outdoors. This is a 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.
- d. There was no openable window in the basement bedroom to allow for emergency egress. This is a 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.

- e. The smoke alarm installed in the hallway near the basement bedroom was not operational. This is a contravention of section IV(12)(a) of the Minimum Housing and Health Standards which states that: Smoke alarms shall be operational and in good repair at all times.
- f. The smoke alarm installed in the hallway outside of the upper bedrooms was hanging by its electrical wires, not secured in place, and not operational. This is a contravention of section IV(12)(a) of the Minimum Housing and Health Standards which states that: Smoke alarms shall be operational and in good repair at all times.
- g. There was no stove or a properly sized fridge available in the home. This is a contravention of section IV(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.
- h. There was no handrail installed along the stairs to the basement. This is a 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.
- i. The ceiling above the bunk bed in the main floor living room was badly water damaged, bulging, and mouldy throughout. This is a contravention of section III(1)(c) of the Minimum Housing and Health Standards which states that: Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced. This is also a 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.
- j. The corner ceiling in the main floor bedroom was water damaged, cracked, stained, bulging, and appeared to be collapsing. This is a contravention of section III(1)(c) of the Minimum Housing and Health Standards which states that: Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced. This is also a contravention of section III of the Minimum Housing and Health Standards which states that: The owner shall ensure that the housing premises is structurally sound, in a safe condition, in good repair, and maintained in a waterproof, windproof and weatherproof condition.
- k. The left window lock was damaged and ineffective for the upstairs bedroom window facing the backyard. This is a 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.
- l. There was feces smeared on the walls throughout the home. This is a contravention of section V(16) of the Minimum Housing and Health Standards which states that: The owner

shall ensure that all rooms and other areas used in common by the occupants of the individual dwellings are maintained in a clean and sanitary condition.

- m. The right windowpane of the kitchen window was missing, and a wooden board was haphazardly placed against the window to block the exposed hole. This is a 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. This is also a 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.
- n. There were flammable items such as clothing and tires stored directly beside the furnace. This is a 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.
- o. There were several holes in the basement bedroom walls. This is a 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.
- p. The ceiling in the hallway outside the basement bedroom was unfinished. This is a 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.
- q. Several floor tiles in the upstairs bathroom were badly cracked. This is a 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.
- r. Portions of the walls around the main floor bedroom were unfinished and raw porous wood was exposed. This is a 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.
- s. A fist sized hole was noted in the wall near the bottom of the stairs. This is a 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.
- t. A fist sized hole was noted in the wall of the main floor bedroom. This is a 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.

- u. The kitchen cupboard base panel and back panel located under the kitchen sink was badly water damaged and mouldy. This is a contravention of section III(1)(c) of the Minimum Housing and Health Standards which states that: Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced. This is also a 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.
- v. A kitchen cupboard drawer front was missing from the cupboard near the sink. This is a 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.
- w. The lower kitchen window trim was missing, and portions of the exposed wood was water damaged/ mouldy. This is a contravention of section III(1)(c) of the Minimum Housing and Health Standards which states that: Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- x. There was a square shaped hole in the flooring near the front door. This is a 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.
- y. There was an accumulation of furniture, garbage, and refuse in the backyard of the property. This is also a contravention of section 5(2) of the Housing Regulation, 1999 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.
- z. There was an accumulation of refuse and garbage piled waist high along the bottom of the stairs, blocking access to the basement area almost completely. This is a contravention of section V(16) of the Minimum Housing and Health Standards which states that: The owner shall ensure that all rooms and other areas used in common by the occupants of the individual dwellings are maintained in a clean and sanitary condition.
- aa. There were no insect screens installed along most of the openable windows throughout the home. This is a 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.
- bb. There was a fly infestation throughout the home. This is a 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.

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 and owner vacate the above noted premises on or before September 11, 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. Repair the plumbing system so water is readily available in the home.
 - b. Repair the toilet and ensure the toilet operates properly. Clean/ disinfect the toilet, bathtub, and all surfaces throughout the bathroom.
 - c. Properly dispose of the human waste in the backyard and clean/disinfect all contaminated siding materials.
 - d. Install a new basement bedroom window that meets section 3B(i)(ii) of the Minimum Housing and Health Standards.
 - e. Repair or replace the smoke alarm near the basement bedroom so it is fully operational.
 - f. Repair or replace the smoke alarm near the upstairs bedrooms.
 - g. Install a stove and suitably sized fridge to meet the needs of the occupants within the home.
 - h. Install a sturdy handrail in accordance with the Alberta Building Code along the stairs to the basement.
 - i. Determine the source of water causing for the water damage in the main floor living room above the bunk beds and the corner ceiling of the main floor bedroom. Ensure the source of water is properly repaired. Then, remove all water damaged and mouldy materials and replace with all new materials.
 - j. Install a new window lock for the upstairs bedroom window that is effective.
 - k. Clean and disinfect all feces contaminated surfaces throughout the home.
 - l. Replace all missing windowpanes and ensure that all openable windows are able to be locked and secured from unauthorized entry.
 - m. Remove all flammable items stored beside the furnace as this is a fire hazard.
 - n. Patch the holes in the basement bedroom and ensure a proper finish is applied so the surface is made smooth, non-absorbent to moisture, and easily cleanable.
 - o. Properly finish the ceiling in the hallway outside of the basement bedroom.
 - p. Repair or replace the damaged floor tiles in the upstairs bathroom.
 - q. Properly finish the walls around the main floor bedroom and ensure a proper finish is applied so the surface is made smooth, non-absorbent to moisture, and easily cleanable.
 - r. Patch the hole in the wall near the bottom of the stairs and ensure a proper finish is applied so the surface is made smooth, non-absorbent to moisture, and easily cleanable.
 - s. Patch the hole in the wall in the main floor bedroom and ensure a proper finish is applied so the surface is made smooth, non-absorbent to moisture, and easily cleanable.
 - t. Determine the source of water causing water damage in the cabinet under the kitchen sink and properly repair. Then, remove all water damaged and mouldy materials and replace with all new materials.
 - u. Install the missing kitchen cupboard drawer front.
 - v. Determine the source of water causing water damage on the wall under the kitchen window and properly repair. Then, remove all water damaged/ mouldy materials and replace with all new materials.

- w. Install missing flooring throughout the home as necessary.
 - x. Remove all garbage/ refuse from the backyard as this may attract pests to the property.
 - y. Clean & properly dispose of the refuse and garbage blocking access to the basement area.
 - z. Install tight-fitting insect screens for all openable windows throughout the home.
 - aa. Improve sanitation within the home by cleaning/disinfecting and then set up fly traps. If the fly infestation persists, hire a professional pest control company to eradicate the fly infestation.
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, August 23, 2024

Confirmation of a verbal order issued to Mahmoud Feki on August 22, 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
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.

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>.

Health Legislation and regulations are available for purchase. Please contact 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>.

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

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<https://www.ahs.ca/eph>