

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

**To:** Gary Friess  
"the Owner"

Lily Friess  
"the Owner"

Alwin Friess  
"the Owner"

**And To:** All Occupant(s) of the following Housing premises: 2528 49 Avenue SE

**RE:** Those housing premises located in Calgary, Alberta and municipally described as:  
2528 49 Avenue 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:

- a. The dwelling and surrounding property, including the workshop and two trailers that were being used for sleeping purposes, were not supplied with electricity.
- b. The dwelling and surrounding property, including the workshop and two trailers that were being used for sleeping purposes, were not supplied with running water.
- c. Raw sewage from the septic tank system of the dwelling was being pumped out directly into the yard.
- d. The electrical system of the dwelling was not in safe working order, there were fixtures hanging from wires, outlets and switches were missing plate covers, as well as loose wires were present in the breaker box.
- e. There were no smoke alarms in the dwelling.
- f. The living room glass window was shattered.
- g. The roof shingles of the dwelling were in disrepair.
- h. Mould growth was observed in the ceiling/wall joint of the middle bedroom, along the entire lower wall beneath the window of the bedroom closest to the laundry, in the washroom ceiling, and in the cupboard underneath the kitchen sink.
- i. There were bedroom window security bars locked with a combination lock on the bedroom closest to the washroom.
- j. There were bedroom window exterior bars installed on the exterior of the bedroom window in the bedroom closest to the laundry.

- k. The egress window for the bedroom closest to the washroom measured 26 x 18.5 inches, equating to 3.34 square feet of openable area.
- l. The egress window for the bedroom closest to the laundry measured 27 x 15 inches, equating to 2.81 square feet of openable area.
- m. The flooring throughout the dwelling was damaged with floor coverings missing in several areas.
- n. Baseboards were missing throughout the dwelling.
- o. The staircase leading into the basement did not have a handrail.
- p. Water damage and discoloration was seen on some areas of the wood basement ceiling rafters.
- q. Support stanchions in the basement did not appear to be properly bolted into the ceiling and floor, a few nails were being used to secure them to the ceiling.
- r. Several areas of the basement dirt floor were wet, indicating water infiltration.
- s. The bottom stair of the basement/main floor staircase measured 11 inches high off the basement floor.

**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 dwelling and surrounding property, including the workshop and two trailers that were being used for sleeping purposes, were not supplied with electricity. 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.
- b. The dwelling and surrounding property, including the workshop and two trailers that were being used for sleeping purposes, were not supplied with running water. This is in contravention of section IV(9) of the Minimum Housing and Health Standards which states that every building used in whole or in part, as housing premises must be supplied with a potable water supply of sufficient volume, pressure and temperature to serve the needs of the inhabitants. 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. Raw sewage from the septic tank system of the dwelling was being pumped out directly into the yard. This is in 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.
- d. The electrical system of the dwelling was not in safe working order, there were fixtures hanging from wires, outlets and switches missing plate covers, as well as loose wires in the breaker box. This is in contravention of section IV(11) of the Minimum Housing and Health Standards which states that outlets, switches and fixtures shall be properly installed and shall be maintained in a good and safe working condition.
- e. There were no smoke alarms in the dwelling. 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.

- f. The living room glass window was shattered. 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.
- g. The roof shingles of the dwelling were in disrepair. 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.
- h. Mould growth was observed in the ceiling/wall joint of the middle bedroom, along the entire lower wall beneath the window of the bedroom closest to the laundry, in the washroom ceiling, and in the cupboard underneath the kitchen sink. This is in 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.
- i. There were bedroom window security bars locked with a combination lock on the bedroom closest to the washroom. This is in contravention of section III(3)(b)(iii) of the Minimum Housing and Health Standards which states that if the window referred in section 3(b)(i) is provided with security bars, the security bars shall be installed so they may be opened from the inside without the use of any tools or special knowledge.
- j. There were bedroom window exterior bars installed on the exterior of the bedroom window in the bedroom closest to the laundry. This is in contravention of section III(3)(b)(iii) of the Minimum Housing and Health Standards which states that if the window referred in section 3(b)(i) is provided with security bars, the security bars shall be installed so they may be opened from the inside without the use of any tools or special knowledge.
- k. The bedroom window egress for the bedroom closest to the washroom measured 26 x 18.5 inches, equating to 3.34 square feet of openable area. 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 3(b)(i) shall provide unobstructed openings with areas not less than 0.35 m<sup>2</sup> (3.8ft<sup>2</sup>), with no dimension less than 380 mm (15”).
- l. The bedroom window egress for the bedroom closest to the laundry measured 27 x 15 inches, equating to 2.81 square feet of openable area. 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 3(b)(i) shall provide unobstructed openings with areas not less than 0.35 m<sup>2</sup> (3.8ft<sup>2</sup>), with no dimension less than 380 mm (15”).
- m. The flooring throughout the dwelling was damaged with floor coverings missing in several areas. 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. Baseboards were missing throughout the dwelling. 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.
- o. The staircase leading into the basement did not have a handrail. 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.
- p. Water damage and discoloration was seen on some areas of the wood basement ceiling rafters. This is in 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.

- q. Support stanchions in the basement did not appear to be properly bolted into the ceiling and floor, a few nails were being used to secure them to the ceiling. This is in contravention of section III(1)(a) of the Minimum Housing and Health Standards which states that the housing premises shall be structurally sound.
- r. Several areas of the basement dirt floor were wet, indicating water infiltration. This is in contravention of section III(1)(b) of the Minimum Housing and Health Standards which states that basements, cellars or crawl spaces shall be structurally sound, maintained in good repair and free from water infiltration and accumulation.
- s. The bottom stair of the basement/main floor staircase measured 11 inches high off the basement floor. 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.

**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 September 19, 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 electricity service to the property.
  - b. Restore potable water service to the property.
  - c. Conduct any repairs/replacements to ensure the septic system functions lawfully and as intended.
  - d. Comply with Enmax report(s) to ensure a safe operating electrical system is restored to the dwelling.
  - e. Install smoke alarms in the dwelling.
  - f. Install new glass panes for the living room window.
  - g. Replace the damaged roof shingles.
  - h. Remove any mouldy materials and replace with new material.
  - i. Remove the security bars on the bedroom window closest to the washroom and ensure that this window is capable of being safely secured.
  - j. Remove the security bars on the bedroom window closest to the laundry and ensure that this window is capable of being safely secured.
  - k. Replace or modify the bedroom window closest to the washroom to ensure an openable egress area of at least 3.8 square feet with no dimension less than 15 inches.
  - l. Replace or modify the bedroom window closest to the laundry to ensure an openable egress area of at least 3.8 square feet with no dimension less than 15 inches.
  - m. Repair and/or replace the floor covering on the main floor where damaged or missing.
  - n. Install baseboards where missing.

- o. Install a handrail for the staircase leading into the basement in accordance with the Alberta Building Code or a Professional Engineer design.
  - p. Repair or replace any damaged ceiling materials in the basement.
  - q. Ensure the basement support stanchions are properly secured to provide safe structural support.
  - r. Determine the source of the water infiltration into the basement and make repairs to prevent future water infiltration.
  - s. Replace or modify the bottom stair of the staircase to ensure it complies with Alberta Building Code standards.
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, September 20, 2024.

Confirmation of a verbal order issued via voicemail and email to Gary Friess on September 19, 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.

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>