

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

To: Ibrahim Kirmizigul
"the Owner"

And To: All Occupant(s) of the following Housing premises:

3824 Centre A Street NE - Basement

RE: Those housing premises located in Calgary, Alberta and municipally described as:

3824 Centre A Street NE - Basement

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 working toilet, hand sink, and bathtub or shower in the bathroom.
- b. The bathroom was not finished. The subfloor and bare joists and studs were exposed.
- c. There was mould on the drywall between the tiles in the bathroom above the plumbing for the hand sink.
- d. There was mould and water damage on the subfloor and wooden structural beams in the bathroom.
- e. The plumbing for the shower head was leaking.
- f. The plumbing for the hand sink in the bathroom was leaking.
- g. There was no mechanical ventilation or an openable window in the bathroom.
- h. The bedroom beside the living room had a window with an openable area of ~ 19 x 24 inches.
- i. The bedroom beside the bathroom had a window with an openable area of ~ 19 x 24 inches.
- j. The lower living area by the furnace room was being used as a bedroom at the time of inspection and had no window.
- k. There was no handrail installed along the staircase leading towards the furnace room.
- l. There was no smoke alarm installed in the unit.
- m. The glass on the main entry door was cracked and broken.
- n. There was no stove installed in the basement suite.
- o. The back panel of the kitchen cupboard under the kitchen sink had a hole haphazardly repaired with cardboard and duct tape.
- p. There was a crack on the ceiling in the kitchen from a previous leak.
- q. Light switch covers were missing throughout the unit.
- r. Insect screens were missing from the bedroom windows.

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 working toilet, hand sink, and bathtub or shower in the bathroom. This is in contravention of section IV(7) of the Minimum Housing and Health Standards which states that: Except where exempt by regulation, 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.
- b. The bathroom was not finished. The subfloor and bare joists and studs were exposed. 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.
- c. There was mould on the drywall between the tiles in the bathroom above the plumbing for the hand 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.
- d. There was mould and water damage on the subfloor and wooden structural beams in the bathroom. 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.
- e. The plumbing for the shower head was leaking. 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.
- f. The plumbing for the hand sink in the bathroom was leaking. 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.
- g. There was no mechanical ventilation or an openable window in the bathroom. 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.
- h. The bedroom beside the living room had a window with an openable area of ~ 19 x 24 inches. This is in contravention of section III(3)(b)(ii) of the Minimum Housing and Health Standards which states that: Windows referred to 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 bedroom beside the bathroom had a window with an openable area of ~ 19 x 24 inches. This is in contravention of section III(3)(b)(ii) of the Minimum Housing and Health Standards which states that: Windows referred to 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 lower living area by the furnace room was being used as a bedroom at the time of inspection and had no window. 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. This is also in

- contravention of section III(3)(b)(ii) of the Minimum Housing and Health Standards which states that: Windows referred to 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”).
- k. There was no handrail installed along the staircase leading towards the furnace room. 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.
 - l. There was no smoke alarm installed in the unit. 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.
 - m. The glass on the main entry door was cracked and broken. 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.
 - n. There was no stove installed in the basement suite. This is in contravention of section IV(14)(a)(i) 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.
 - o. The back panel of the kitchen cupboard under the kitchen sink had a hole haphazardly repaired with cardboard and duct tape. 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.
 - p. There was a crack on the ceiling in the kitchen from a previous leak. 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.
 - q. Light switch covers were missing throughout the unit. 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.
 - r. Insect screens were missing for the bedroom windows. This is in 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.

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 29, 2017.

2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Remediate the bathroom. Remove and discard any water damaged and mouldy building materials including the subfloor, drywall, and insulation in the bathroom.
 - b. Ensure the subfloor is structurally sound before re-building the bathroom.
 - c. Repair all the plumbing leaks in the bathroom and ensure the plumbing is no longer leaking.
 - d. Finish the walls, floor, and ceiling in the bathroom with materials that are smooth, non-absorbent, and easy to clean.
 - e. Install a working toilet, hand sink, and bathtub or shower in the bathroom.
 - f. Install mechanical ventilation properly vented to the exterior of the home or an openable window in the bathroom.
 - g. Replace both of the bedroom windows in the bedrooms beside the living room and the bathroom so that they meet egress requirements.
 - h. Ensure there is no one sleeping in the lower living area by the furnace room or install a window that meets egress requirements.
 - i. Install a handrail along the staircase leading towards the furnace room.
 - j. Install a working smoke alarm outside the bedroom beside the living room and bedroom beside the bathroom.
 - k. Replace the glass or replace the door on the main entry door.
 - l. Provide a stove for the basement suite.
 - m. Remove the cardboard and duct tape before properly repairing the hole under the kitchen sink.
 - n. Remove all wet, damaged or mouldy building materials from the kitchen ceiling and repair the source of moisture infiltration prior to installing new materials and refinishing.
 - o. Install light switch covers throughout the unit.
 - p. Install insect screens on both bedroom windows.
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.
4. All work listed in paragraph 2 above must be completed to the satisfaction of an Executive Officer of Alberta Health Services by **July 1, 2017**

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, May 3, 2017

Confirmation of a verbal order issued to Ibrahim Kirmizigul on April 28, 2017

Melody Lee, CPHI(C)
Executive Officer
Environmental Health Officer

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, Telus Plaza North Tower
10025 Jasper Avenue NW
Edmonton, Alberta, T5J 1S6
Phone: 780-222-5186
Fax: 780-422-0914
Email: HealthAppealBoard@gov.ab.ca
Website: <http://www.health.alberta.ca/about/PHAB.html>

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: www.health.alberta.ca/about/health-legislation.html

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www.albertahealthservices.ca/eph.asp