

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

To: Baldev Raj Joneja and Saroj Joneja
"the Owner"

And To: All Occupant(s) of the following Housing premises: 411 Edmonton Trail NE

RE: Those housing premises located in Calgary, Alberta and municipally described as:
411 Edmonton Trail NE

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. All utilities were disconnected by the City of Calgary due to unsafe conditions.
- b. Electrical light switch covers were missing throughout.
- c. Electrical wires and multiple extension cords were haphazardly threaded along walls, ceilings and floors throughout.
- d. The electrical outlet beside the refrigerator was hanging loose and had no cover.
- e. A smoke alarm was not installed between bedrooms.
- f. Main floor southeast and southwest bedroom windows did not open to facilitate egress.
- g. The main floor south bedroom window lock did not work.
- h. The main floor living room window and southeast bedroom window were cracked across the pane.
- i. Drug paraphernalia, including needles were observed scattered throughout the property.
- j. The unfinished basement with no egress windows was being used for sleeping purposes. Mattresses, bedding, furniture and personal items were observed throughout the basement area.
- k. There were no bathtub hot and cold water plumbing fixtures and the plumbing drain was missing.
- l. There was significant build-up of clutter in the kitchen. The accumulation prevented parts of the kitchen from being used for the intended purpose without difficulty.
- m. Baseboards were missing in the kitchen.
- n. There was a hole in the kitchen wall above the stove, exposing wood frame.
- o. There was no handrail along the basement staircase.
- p. A hasp lock was installed on the main floor southwest bedroom door.
- q. A pool of water was observed on the basement floor next to the staircase.
- r. There was a pool of water trapped in a section of the basement plastic ceiling membrane next to the main sewer plumbing stack.
- s. The dual bathroom ventilation fan and light fixture cover was falling down.

- t. The hardwood floor covering in the main floor living room and bedrooms was splintered and worn. The hardwood floor was not easily cleanable.

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. All utilities were disconnected by the City of Calgary due to unsafe conditions. 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. Electrical light switch covers were missing throughout. This is a 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.
- c. Electrical wires and multiple extension cords were haphazardly threaded along walls, ceilings and floors throughout. This is a 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.
- d. The electrical outlet beside the refrigerator was hanging loose and had no cover. This is a 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.
- e. A smoke alarm was not installed between bedrooms. This is a 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. Main floor southeast and southwest bedroom windows did not open to facilitate 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. And section III(3)(b)(i) of the Minimum Housing and Health Standards which states that: Windows referred to above shall provide unobstructed openings with areas not less than 0.35 m² (3.8ft²), with no dimension less than 380 mm (15”).
- g. The main floor south bedroom window lock did not work. This is in 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.
- h. The main floor living room window and southeast bedroom window were cracked across the pane. This is 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.
- i. Drug paraphernalia, including needles were observed scattered throughout the property was found scattered throughout the property. This is in contravention of section 5(2) of the

Housing Regulation, 2001 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 unfinished basement with no egress windows was being used for sleeping purposes. Mattresses, bedding, furniture and personal items were observed throughout the basement area. This is a contravention of section 5(2) of the Housing Regulation, 2001 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 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. And section III(3)(b)(i) of the Minimum Housing and Health Standards which states that: Windows referred to above shall provide unobstructed openings with areas not less than 0.35 m² (3.8ft²), with no dimension less than 380 mm (15").
- k. There were no bathtub hot and cold water plumbing fixtures and the plumbing drain was missing. This is a contravention of section IV(7)(a) of the Minimum Housing and Health Standards which states that: The washbasins and bathtub or shower shall be supplied with potable hot and cold running water.
- l. There was significant build-up of clutter in the kitchen. The accumulation prevented parts of the kitchen from being used for the intended purpose without difficulty. This is in contravention of section 5(2) of the Housing Regulation, 2001 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.
- m. Baseboards were missing in the kitchen. 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.
- n. There was a hole in the kitchen wall above the stove, exposing wood frame. This is a contravention of section III(5)(b) of the Minimum Housing and Health Standards which states that: Rooms and sections of rooms that are used for food preparation and cooking shall have walls and floors constructed of materials which do not provide harbourage to dirt, grease, vermin and bacteria and that are easily kept clean.
- o. There was no handrail along the basement staircase. This is a contravention of section III(3)(c) of the Minimum Housing and Health Standards which states that: Inside or outside stairs or porches including all treads, risers, supporting structural members, rails, 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. A hasp lock was installed on the main floor southwest bedroom door. This is in contravention of section 5(2) of the Housing Regulation, 2001 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.
- q. A pool of water was observed on the basement floor next to the staircase. This is a contravention of section III(1)(a,b) of the Minimum Housing and Health Standards which states that: the housing premises shall be structurally sound, and; basements, cellars or

crawl spaces shall be structurally sound, and maintained in good repair and free from water infiltration and accumulation.

- r. There was a pool of water trapped in a section of the basement plastic ceiling membrane next to the main sewer plumbing stack. This is a contravention of section III(1)(a,b) of the Minimum Housing and Health Standards which states that: the housing premises shall be structurally sound, and; basements, cellars or crawl spaces shall be structurally sound, and maintained in good repair and free from water infiltration and accumulation. And 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.
- s. The dual bathroom ventilation fan and light fixture cover was falling down. This is a 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.
- t. The hardwood floor covering in the main floor living room and bedrooms was splintered and worn. The hardwood floor was not easily cleanable. 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.

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. Properly reinstate all utilities. Ensure all electrical, gas and plumbing deficiencies are repaired in accordance with the Alberta Building Code.
 - b. Install covers on all electrical outlet and switches.
 - c. Install a smoke alarm in the hallway between bedrooms and ensure it is operational at all times.
 - d. Modify or replace main floor bedroom windows so they have an unobstructed openable area of at least 3,8 square feet.
 - e. Install effective locks on all openable windows.
 - f. Replace all cracked window panes.
 - g. Remove all drug paraphernalia and needles.
 - h. Ensure the basement is not used for sleeping purposes. Remove all mattresses and bedding in the basement area.
 - i. Properly install plumbing fixtures to supply the bathtub with hot and cold running water and to drain water to the main plumbing stack.
 - j. Remove all clutter in the kitchen area.
 - k. Install missing kitchen baseboards.

- l. Repair the hole in the kitchen wall. Apply a finish to the wall so it is smooth, non-absorbent to moisture and easy to clean.
 - m. Install a sturdy handrail along the basement staircase.
 - n. Remove the hasp lock on the main floor southwest bedroom door.
 - o. Investigate the source of water infiltration on the basement floor and through the basement ceiling. Remove all water damaged and potentially mould contaminated materials. Clean and disinfect the remaining areas and allow time to dry prior to reconstruction new materials.
 - p. Properly re-install the dual bathroom ventilation fan and light fixture cover.
 - q. Repair or replace deteriorated hardwood flooring.
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.
4. That work referred to in paragraph 2 must be completed to the satisfaction of the undersigned or by another Executive Officer of Alberta Health Services within 1 month from the date on this Order (**April 23, 2018**)

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, March 23, 2018

Confirmation of a verbal order issued to Baldev Raj Joneja on March 21, 2018

Rikkie Ma, BScAg; BEH(AD); CPHI(C)
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, 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