

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

**To:** Brenda Downey  
"the Owner"

And

Douglas Downey  
"the Owner"

**And To:** All Occupant(s) of the following Housing premises: 51 Fallswater Crescent NE

**RE:** Those housing premises located in Calgary, Alberta and municipally described as:  
51 Fallswater Crescent 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. There was no usable toilet in the home. The main floor toilet had human feces that overflowed the toilet bowl and contaminated the walls, floors, and toilet lid, while the upstairs toilet was completely dry and not properly operational. Dirty diapers were observed piled up beside the couch on the main floor.
- b. Cat and dog excrement covered surfaces throughout the house, creating grossly unsanitary conditions.
- c. Significant amounts of dirt, dust, and debris covered many surfaces throughout the house.
- d. The kitchen sink, stove and countertop were unusable as they were covered with piles of dirty dishes and refuse. Access to the kitchen area was almost impossible due to the amount of garbage/clutter.
- e. Combustible items, including a wooden shelf, were observed to be stored immediately around the furnace, and there was no working smoke alarm installed in the house.
- f. The furnace was missing a proper cover, which exposed an open flame.
- g. Rotting garbage and food waste were observed piled knee-high in the kitchen.
- h. There was a significant amount of garbage/clutter observed throughout the home which blocked effective exits, and the piles of debris were unstable.
- i. Bags of garbage were being stored outside on the deck which may attract pests.
- j. There was an infestation of live flies in the house, and the couch that the occupant was sleeping on was infested with live maggots.
- k. There was an unbearable odour inside and near the entrance of the home.

- i. The window from the upstairs bedroom was entirely missing, thus exposing the interior of the home to pests and adverse weather.
- m. There was evidence of water infiltration into the home. Water stained and damaged walls and ceilings were observed throughout the house. There was also a severely cracked window in the living room that may allow adverse weather to enter the home.
- n. The garage was full of refuse and the door was unable to fully close, which may attract pests to the area.

**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 usable toilet in the home. The main floor toilet had human feces that overflowed the toilet bowl and contaminated the walls, floors, and toilet lid, while the upstairs toilet was completely dry and not properly operational. Dirty diapers were observed piled up beside the couch on the main floor. This is a contravention of section 2(1) of the Public Health Act Nuisance and General Sanitation Regulation, 2003 which states that: No person shall create, commit or maintain a nuisance.
- b. Cat and dog excrement covered surfaces throughout the house, creating grossly unsanitary conditions. This is a contravention of section 2(1) of the Public Health Act Nuisance and General Sanitation Regulation, 2003 which states that: No person shall create, commit or maintain a nuisance.
- c. Significant amounts of dirt, dust, and debris covered many surfaces throughout the house. This is a contravention of section 2(1) of the Public Health Act Nuisance and General Sanitation Regulation, 2003 which states that: No person shall create, commit or maintain a nuisance.
- d. The kitchen sink, stove and countertop were unusable as they were covered with piles of dirty dishes and refuse. Access to the kitchen area was almost impossible due to the amount of garbage/clutter. This is a contravention of section 2(1) of the Public Health Act Nuisance and General Sanitation Regulation, 2003 which states that: No person shall create, commit or maintain a nuisance.
- e. Combustible items, including a wooden shelf, were observed to be stored immediately around the furnace, and there was no working smoke alarm installed in the home. This is a contravention of section 2(1) of the Public Health Act Nuisance and General Sanitation Regulation, 2003 which states that: No person shall create, commit or maintain a nuisance.
- f. The furnace was missing a proper cover, which exposed an open flame. This is a contravention of section 2(1) of the Public Health Act Nuisance and General Sanitation Regulation, 2003 which states that: No person shall create, commit or maintain a nuisance.
- g. Rotting garbage and food waste were observed piled knee-high in the kitchen. This is a contravention of section 2(1) of the Public Health Act Nuisance and General Sanitation Regulation, 2003 which states that: No person shall create, commit or maintain a nuisance.

- h. There was a significant amount of garbage/clutter observed throughout the home which blocked effective exits, and the piles of debris were unstable. This is a contravention of section 2(1) of the Public Health Act Nuisance and General Sanitation Regulation, 2003 which states that: No person shall create, commit or maintain a nuisance.
- i. Bags of garbage were being stored outside on the deck which may attract pests. This is a contravention of section 2(1) of the Public Health Act Nuisance and General Sanitation Regulation, 2003 which states that: No person shall create, commit or maintain a nuisance.
- j. There was an infestation of live flies in the house, and the couch that the occupant was sleeping on was infested with live maggots. This is a contravention of section 2(1) of the Public Health Act Nuisance and General Sanitation Regulation, 2003 which states that: No person shall create, commit or maintain a nuisance.
- k. There was an unbearable odour inside and near the entrance of the home. This is a contravention of section 2(1) of the Public Health Act Nuisance and General Sanitation Regulation, 2003 which states that: No person shall create, commit or maintain a nuisance.
- l. The window from the upstairs bedroom was entirely missing, thus exposing the interior of the home to pests and adverse weather. This is a contravention of section 2(1) of the Public Health Act Nuisance and General Sanitation Regulation, 2003 which states that: No person shall create, commit or maintain a nuisance.
- m. There was evidence of water infiltration into the home. Water stained and damaged walls and ceilings were observed throughout the house. There was also a severely cracked window in the living room that may allow adverse weather to enter the home. This is a contravention of section 2(1) of the Public Health Act Nuisance and General Sanitation Regulation, 2003 which states that: No person shall create, commit or maintain a nuisance.
- n. The garage was full of refuse and the door was unable to fully close, which may attract pests to the area. This is a contravention of section 2(1) of the Public Health Act Nuisance and General Sanitation Regulation, 2003 which states that: No person shall create, commit or maintain a nuisance.

**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 16, 2022.
2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
  - a. Remove and discard all furniture, upholstery and other porous materials contaminated with animal/human excrement.
  - b. Remove and discard all refuse from throughout the house.
  - c. Remove and discard all refuse from the garage and from around the exterior of the house.
  - d. Hire the services of a cleaning and/or restoration company to clean and disinfect all contaminated or otherwise dirty hard surfaces throughout the house. Provide

documentation of all work completed to an Executive Officer with Alberta Health Services.

- e. Determine the sources of water infiltration into the home and properly repair.
- f. Repair all toilets and ensure toilets are functional.
- g. Repair all broken/missing windows.
- h. Install a proper cover over the furnace.
- i. Install a working smoke alarm in the house.
- j. Eradicate the fly infestation from the house.
- k. Ensure the garage door can fully close.

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 12, 2022.

Confirmation of a verbal order issued to Brenda Downey and owner's daughter, Kaitlin Downey, on September 9, 2022.

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 Queen's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or [www.qp.gov.ab.ca](http://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](http://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: <https://www.alberta.ca/health-standards-and-guidelines.aspx>

Template revised April 25, 2022

Copy City of Calgary- Bylaw Services  
Copy Calgary Humane Society

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