

## ORDER OF AN EXECUTIVE OFFICER

**To:** Marie E Gazdarica  
“the Owner”

**RE:** Those housing premises located in Calgary, Alberta and municipally described as:  
5209 Marbank Drive 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. On May 20th, 2022, the ambient temperature of the home measured approximately 19.2 degrees Celsius. The thermostat was increased to the highest possible temperature setting of 78 degrees Fahrenheit (25.5 degrees Celsius) but the heat coming out from the vents measured only up to 17.6 degrees Celsius.
- b. The shingles on the roof were curled, rotted, and falling off. Some shingles were found on the front yard.
- c. There is evidence that water infiltrates into the home. Several water damaged areas were observed on ceilings throughout the home and tenants indicated that they use buckets to collect water infiltration when it rains.
- d. The smoke alarm was missing on the upper floor.
- e. There was no light fixture installed along the stairway leading to the basement, making it unsafe to use the stairs when dark.
- f. There were live cockroaches observed in the kitchen. Many dead cockroach carcasses were observed throughout the home.
- g. There was no lock installed on the openable window in the washroom near the kitchen.
- h. There was mould observed along the ceiling in the upper washroom.
- i. The wall under the living room window was mouldy and water damaged.
- j. Several cupboard doors and drawer fronts in the kitchen were missing.
- k. One of the kitchen cupboard doors was badly water damaged along the edges. The door front was bulging, the finish had worn off, and raw wood was exposed.
- l. The guardrail on the upper floor measured only 32 inches high despite the drop-down height to the bottom of the stairs being greater than 6 feet.
- m. The guardrail on the upper floor had one spindle missing, creating an 8-inch gap between spindles.
- n. The upstairs toilet was not flushing waste out properly, making the toilet unusable.
- o. The hot water at several fixtures throughout the home measured to a maximum of 43.5 degrees Celsius. Occupants also claimed that hot water volume was insufficient.
- p. A windowpane in the upstairs north-facing bedroom was severely broken and cracked, exposing sharp glass edges.
- q. Portions of the exterior siding of the home were missing.
- r. The baseboards in the main and upper washroom were water damaged.

- s. The front door handle had a small gap around it such that the door was not weatherproof as outside elements could enter through this gap.
- t. There was a baseboard missing along a kitchen wall near the fridge.
- u. There was a hole observed in the ceiling above the kitchen window.
- v. A portion of the transition strip between the hallway floor and living room carpet was missing.
- w. There was a hole in the wall near the baseboards in the upstairs north-facing bedroom.
- x. The insect screen installed over the window in the washroom nearest to the kitchen was torn along the top right corner.
- y. The insect screen by the kitchen window was taped up to cover holes.

**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. On May 20th, 2022, the ambient temperature of the home measured approximately 19.2 degrees Celsius. The thermostat was increased to the highest possible temperature setting of 78 degrees Fahrenheit (25.5 degrees Celsius) but the heat coming out from the vents measured only up to 17.6 degrees Celsius. This is in contravention of section IV(8)(a)(i) of the Minimum Housing and Health Standards which states that: All heating facilities within a housing premises are to be properly installed and maintained in good working condition, and be capable of safely and adequately heating all habitable rooms, bathrooms, and toilet rooms within the building to a temperature of at least 220C(710F), or maintained at a temperature of at least 220C(710F) when the control of the supplied heat in a dwelling is the responsibility of a person other than the occupant.
- b. The shingles on the roof were curled, rotted, and falling off. Some shingles were found on the front yard. 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.
- c. There is evidence that water infiltrates into the home. Several water damaged areas were observed on ceilings throughout the home and tenants indicated that they use buckets to collect water infiltration when it rains. This is in 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.
- d. The smoke alarm was missing on the upper floor. 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.
- e. There was no light fixture installed along the stairway leading to the basement, making it unsafe to use the stairs when dark. This is in contravention of section IV(13) of the Minimum Housing and Health Standards which states that: Every public hallway and stairway in a housing premises with multiple dwellings shall be adequately lighted by natural or artificial light at all times, providing in all parts thereof at least 50 lux of light at each tread or floor level.

- f. There were live cockroaches observed in the kitchen. Many dead cockroach carcasses were observed throughout the home. This is in 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.
- g. There was no lock installed on the openable window in the washroom near the kitchen. 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. There was mould observed along the ceiling in the upper washroom. This is a contravention of section 5(2) of the Public Health Act 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.
- i. The wall beneath the living room window was mouldy and water damaged. 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.
- j. Several cupboard doors and drawer fronts in the kitchen were missing. This is in 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.
- k. One of the kitchen cupboard doors was badly water damaged along the edges. The door front was bulging, the finish had worn off, and raw wood was exposed. 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.
- l. The guardrail on the upper floor measured only 32 inches high despite the drop-down height to the bottom of the stairs being greater than 6 feet. 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.
- m. The guardrail on the upper floor had one spindle missing, creating an 8-inch gap between spindles. 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.
- n. The upstairs toilet was not flushing waste out properly, making the toilet unusable. 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.

- o. The hot water at several fixtures throughout the home measured to a maximum of 43.5 degrees Celsius. Occupants also claimed that hot water volume was insufficient. This is in contravention of section IV(9)(a) of the Minimum Housing and Health Standards which states that: All hot running water shall be maintained at a temperature of not less than 46 degrees C (1140F), and not more than 60 degrees C (1400F) measured at the plumbing fixture. It is also a 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 shall be supplied with a potable water supply of sufficient volume, pressure and temperature to serve the needs of the inhabitants.
- p. A windowpane in the upstairs north-facing bedroom was severely broken and cracked, exposing sharp glass edges. There were sharp glass edges exposed as a result. 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.
- q. Portions of the exterior siding of the home were missing. 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.
- r. The baseboards in the main and upper washroom were water damaged. 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.
- s. The front door handle had a small gap around it such that the door was not weatherproof as outside elements could enter through this gap. 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.
- t. There was a baseboard missing along a kitchen wall near the fridge. 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.
- u. There was a hole observed in the ceiling above the kitchen window. 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.
- v. A portion of the transition strip between the hallway floor and living room carpet was missing. 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.

- w. There was a hole in the wall near the baseboards in the upstairs north-facing bedroom. 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.
- x. The insect screen installed over the window in the washroom nearest to the kitchen was torn along the top right corner. 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.
- y. The insect screen by the kitchen window was taped up to cover holes. 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.

NOW THEREFORE, I hereby **ORDER** and **DIRECT**:

1. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
  - a. Install a fully operational smoke alarm to serve the upstairs bedrooms.
  - b. Properly install a light fixture along the stairs to the basement.
  - c. Hire a professional pest control company to eradicate the cockroach infestation and provide documentation of work completed to an Executive Officer at Alberta Health Services. Remove all cockroach carcasses to allow for monitoring.
  - d. Install a lock on the window in the main floor washroom.
  - e. Repair or replace the hot water tank such that hot water is between 46C and 60C, and is available in sufficient quantities to meet the needs of all inhabitants of the home.
  - f. Replace the broken window in the upstairs north-facing bedroom.
  - g. Repair or replace the upstairs toilet.
  - h. Adjust the position of the front door handle to eliminate the gap.
  - i. Properly repair or replace the insect screens installed in the kitchen window and in the main floor washroom window.
  - j. Install missing/damaged cupboard doors and drawer fronts in the kitchen.
  - k. Increase the height of the interior guardrail so it measures 42 inches high from the base to the handrail.
  - l. Install a spindle along the upstairs guardrail and ensure the space between each spindle measures no more than 4 inches.
  - m. Remove all water damaged baseboards in the main and upper washrooms. Replace with new materials.
  - n. Install a baseboard on the wall near the fridge.
  - o. Install a transition strip between the hallway floor and living room carpet.
  - p. Patch the hole in the wall near the baseboards in the upstairs north-facing bedroom.

- q. Determine and repair/eliminate the source of excess moisture or water infiltration causing mould growth in the upstairs bathroom and repair, then wash surface mould off with soap and water.
- r. Determine and repair/eliminate the source of excess moisture or water infiltration causing mould growth on the wall underneath the living room window and repair, then remove the water damaged/mouldy building material and replace with new materials.
- s. Hire a qualified contractor to remove all rotting/damaged portions of the roof, find and stop the source of water infiltration into the home, and repair/replace the roof to prevent further water infiltration.
- t. Once the source of water infiltration into the home has been repaired, remove all water damaged building materials throughout the home and replace with new materials.
- u. Repair or replace the heating system so that it is capable of safely and adequately heating all habitable rooms in the home to a minimum of 22 degrees Celsius.
- v. Replace all missing siding around the home.

2. The work referred to in paragraph 1 (a-r) shall be completed by August 26, 2022.

3. The work referred to in paragraph 1 (s-v) shall be completed by September 16, 2022.

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 5, 2022.

Confirmation of a verbal order issued to Marie Gazdarica on July 28, 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.

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](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>

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10101 Southport Road SW, Alberta, Canada T2W 3N2

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