

ORDER OF AN EXECUTIVE OFFICER

To: Grant J Lowry
Jane I Lowry
“the Owner”

RE: Those housing premises located in Calgary, Alberta and municipally described as:
68 Abergale Way 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 major clutter throughout the property (living room, kitchen, basement, west, and northwest bedroom, furnace room) with junk, debris, and clothes.
- b. Drug paraphernalia was observed in the living room.
- c. There was a hasp and lock mechanism installed on the door frame of the north bedroom.
- d. There were electrical wires exposed by the front entrance.
- e. There were electrical wires exposed by the back entrance.
- f. The electrical outlet in the main floor washroom was missing a cover.
- g. The light switch cover by the basement door was missing.
- h. The light switch cover by the staircase to the basement was missing.
- i. The electrical outlet cover was missing in the upper floor washroom.
- j. The light switch cover in the northwest bedroom was broken.
- k. The subfloor was exposed throughout the property (living room, kitchen, main floor washroom, and upper floor washroom.)
- l. There was water damaged ceiling material in the kitchen. Some sections of the kitchen ceiling also had exposed holes.
- m. The north and south facing drywall by the back entrance door was damaged and had exposed holes.
- n. There was a hole on the ceiling near the back entrance door that was repaired with packing tape.
- o. There was water damaged ceiling material in the main floor washroom. Some sections of the main floor washroom ceiling also had exposed holes.
- p. The north and south facing drywall by the staircase leading to the upper floor had multiple mudded sections and exposed holes.
- q. The east facing drywall in the upper floor washroom was exposed 6 inches from the floor and had multiple mudded sections.
- r. Raw wood was exposed by the bathtub in the upper floor washroom.
- s. The upper washroom bathtub surround was repaired with duct tape around the faucet area.
- t. The drywall under the upper washroom hand sink was missing.
- u. The plumbing under the kitchen sink was leaking.
- v. The back entrance door frame was missing.

- w. The main floor washroom door was damaged and had an exposed hole.
- x. The door frame was missing from the inside of the main floor washroom door.
- y. The west bedroom door was severely damaged and exposed a large hole with material splitting apart from the inside.
- z. The northwest bedroom was missing a doorknob.
- aa. The back entrance door was missing a dead bolt.
- bb. The kitchen window was missing a lock.
- cc. There was no handrail along the staircase leading to the basement.
- dd. There was no handrail along the staircase leading to the upper floor.
- ee. The basement was currently being used for sleeping purposes and there was no open-able window.
- ff. The window in the north bedroom was frozen shut.
- gg. The window in the south bedroom was inaccessible due to clutter.
- hh. There was no smoke alarm near the basement sleeping area.
- ii. There was no smoke alarm near the bedrooms on the upper floor.
- jj. The main floor washroom fan was not working and missing a cover.
- kk. The upper floor washroom fan was missing a cover.
- ll. The window in the west bedroom was shattered.
- mm. The kitchen window was single paned.
- nn. The window in the north bedroom was single paned.

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 major clutter throughout the property (living room, kitchen, basement, west, and northwest bedroom, furnace room) with junk, debris, and clothes. This is a contravention of section 5(2) of the Housing Regulation AR173/1999 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.
- b. Drug paraphernalia was observed in the living room. This is a contravention of section 5(2) of the Housing Regulation AR173/1999 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.
- c. There was a hasp and lock mechanism installed on the door frame of the north bedroom. This is a contravention of section 5(2) of the Housing Regulation AR173/1999 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.
- d. There were electrical wires exposed by the front entrance. 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. There were electrical wires exposed by the back entrance. 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.
- f. The electrical outlet in the main floor washroom was missing a 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.
 - g. The light switch cover by the basement door was missing. 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.
 - h. The light switch cover by the staircase to the basement was missing. 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.
 - i. The electrical outlet cover was missing in the upper floor washroom. 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.
 - j. The light switch cover in the northwest bedroom as was broken. 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.
 - k. The subfloor was exposed throughout the property (living room, kitchen, main floor washroom, and upper floor washroom). 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 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 and 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.
 - l. There was water damaged ceiling material in the kitchen. Some sections of the kitchen ceiling also had exposed holes. 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.
 - m. The north and south facing drywall by the back entrance door was damaged and had exposed holes. 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 on the ceiling near the back entrance door that was repaired with packing tape. 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.

- o. There was water damaged ceiling material in the main floor washroom. Some sections of the main floor washroom ceiling also had exposed holes. 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
- p. The north and south facing drywall by the staircase leading to the upper floor had multiple mudded sections and exposed holes. 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.
- q. The east facing drywall in the upper floor washroom was exposed 6 inches from the floor and had multiple mudded sections. 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.
- r. Raw wood was exposed by the bathtub in the upper floor washroom. 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.
- s. The upper washroom bathtub surround was repaired with duct tape around the faucet area. 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 drywall under the upper washroom hand sink was missing. 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.
- u. The plumbing under the kitchen sink was leaking. This is a 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.
- v. The back entrance door frame was missing. This is a 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.
- w. The main floor washroom door was damaged and had an exposed hole. This is a 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.

- x. The door frame was missing from the inside of the main floor washroom door. This is a 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.
- y. The west bedroom door was severely damaged and exposed a large hole with material splitting apart from the inside. This is a 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.
- z. The northwest bedroom was missing a doorknob. This is a 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.
- aa. The back entrance door was missing a dead bolt. This is a 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.
- bb. The kitchen window was missing a lock. This is a 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.
- cc. There was no handrail along the staircase leading to the basement. This is a 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.
- dd. There was no handrail along the staircase leading to the upper floor. This is a 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.
- ee. The basement was currently being used for sleeping purposes and there was no open-able window. 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)(ii) of the Minimum Housing and Health Standards which states that: Windows referred to in 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").
- ff. The window in the north bedroom was frozen shut. 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.
- gg. The window in the south bedroom was inaccessible due to clutter. This is a contravention of section 5(2) of the Housing Regulation AR173/1999 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.

- hh. There was no smoke alarm near the basement sleeping area. 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.
- ii. There was no smoke alarm near the bedrooms on the upper floor. 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.
- jj. The main floor washroom fan was not working and missing a cover. This is a 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 and 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.
- kk. The upper floor washroom fan was missing a cover. 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.
- ll. The window in the west bedroom was shattered. 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.
- mm. The kitchen window was single paned. This is a contravention of section III(2)(b)(ii) of the Minimum Housing and Health Standards which states that: In housing premises intended for use during the winter months, windows in habitable rooms shall protect against cold weather through the provision of a storm sash, double glazing, or other durable thermal/air resistant barrier as may be approved by the Executive Officer.
- nn. The window in the north bedroom was single paned. This is a contravention of section III(2)(b)(ii) of the Minimum Housing and Health Standards which states that: In housing premises intended for use during the winter months, windows in habitable rooms shall protect against cold weather through the provision of a storm sash, double glazing, or other durable thermal/air resistant barrier as may be approved by the Executive Officer.

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. Remove all drug paraphernalia throughout the property.
 - b. Remove all junk, debris, and clothes throughout the property to reduce clutter.
 - c. Remove the hasp and lock mechanism on north bedroom door frame.
 - d. Either do not use the basement for sleeping purposes or install an open-able window that meets all of the requirements of Section 3 in the Minimum Housing and Health Standards.
 - e. Repair or replace the window in the south bedroom so that it meets all of the requirements of Section 3 in the Minimum Housing and Health Standards.
 - f. Ensure the window in the north bedroom can be easily opened for egress purposes.
 - g. Install a fully functional smoke alarm near all the bedrooms/sleeping areas in the property.

- h. Install light switch cover for exposed wires by the front entrance.
- i. Replace light switch cover in the northwest bedroom.
- j. Install electrical outlet cover for the upper washroom.
- k. Install electrical outlet cover for the main floor washroom.
- l. Install light switch cover by the basement door.
- m. Install light switch cover by the staircase leading to the basement.
- n. Install lock for back entrance door.
- o. Investigate the source of moisture in the kitchen and main floor washroom and remediate as soon as possible. Remove all water damaged and physically damaged ceiling and replace with new building material.
- p. Repair or replace all damaged drywall throughout the property (back entrance, staircase to upper floor, upper washroom).
- q. Install flooring throughout the property (living room, kitchen, main floor washroom, upper washroom) that is smooth, non-absorbent to moisture and easy to clean.
- r. Install fan cover for upper washroom.
- s. Seal all exposed raw wood in the upper washroom.
- t. Remove all duct tape around the faucet area in the upper washroom bathtub surround. Repair or replace the bathtub surround so it is in good working condition.
- u. Install drywall under the upper washroom hand sink.
- v. Replace the west bedroom door.
- w. Repair or replace the northwest bedroom door so it is in good working condition.
- x. Install door frame for the back entrance door.
- y. Repair or replace the plumbing under the kitchen sink so it is no longer leaking.
- z. Repair or replace all damaged ceiling by the back entrance door.
- aa. Repair or replace main floor washroom fan and fan cover.
- bb. Install door frame for main floor washroom door.
- cc. Repair or replace the main floor washroom door.
- dd. Install lock for the kitchen window.
- ee. Install handrail for the staircase leading to the basement.
- ff. Install handrail for the staircase leading to the upper floor.
- gg. Install another pane of glass for the kitchen window.
- hh. Install another pane of glass for the north bedroom.
- ii. Replace window in the west bedroom.

2. The work referred to in paragraph 1 shall be completed by April 8, 2024.

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, February 28, 2024

Confirmation of a verbal order issued to Grant Lowry on February 27, 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
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 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>

Copy City of Calgary Police Services
Copy Safer Communities and Neighbourhoods.

Order of an Executive Officer

RE: Those premises located in Calgary, Alberta and municipally described as: 68 Abergale Way NE

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