

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

To: Shelly Tupper
"the Owner"

And To: All Occupant(s) of the following Housing premises: 7028 Ogden Road SE

RE: Those housing premises located in Calgary, Alberta and municipally described as: 7028 Ogden Road SE

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 is a live electrical wire hanging down from the ceiling in the basement to the left of the stairs.
- b. There is no refrigerator in the kitchen.
- c. Water is infiltrating in through the basement window. There is water damage and mould growth on the drywall below the window in the basement.
- d. There are several used needles and other drug paraphernalia in the basement.
- e. The unfinished basement is being used for sleeping purposes. The window in the basement does not meet egress requirements as it does not stay open on its own. There is no proper flooring, baseboards are missing throughout, and there are several holes punched through various sections of drywall.
- f. The stairs to the basement are in poor condition. Several of the wooden boards are weak and sag when weight is applied.
- g. There is no handrail along the staircase to the basement.
- h. The door at the top of the staircase opens directly over the first stair tread– there is no landing.
- i. There are no working smoke alarms anywhere in the house.
- j. There is animal feces in the small area behind the stairs in the basement.
- k. The small washroom in the basement has an elevated floor which feels very weak in the area immediately inside the door. One of the supports for the flooring is crooked and appears to not be supporting the floor properly.
- l. The wood used for the ramp up to the front of the house is rotting and is very weak.
- m. There are no handrails or railings along the front exterior ramp.
- n. There is a broken light switch cover in the hall near the main floor washroom.
- o. The attic hatch cover is missing. The area around the hatch is rough, unfinished drywall.
- p. The base of the shower head in the main floor washroom is not flush to the wall. There is a gap which could easily allow water to infiltrate into the wall cavity.

- q. Some of the baseboards in the main floor washroom are swollen and water damaged.
- r. There is a hole in the drywall behind the toilet in the main floor washroom.
- s. The knob for the shower in the main floor washroom is missing.
- t. The hand sink basin in the basement washroom is chipped and is no longer in good condition.
- u. The base of the cupboard below the kitchen sink is cracked, warped, and appears to have some water damage.
- v. There is an unfinished piece of wood affixed to the back of the cupboard under the kitchen sink.

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 is a live electrical wire hanging down from the ceiling in the basement to the left of the stairs. 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.
- b. There is no refrigerator in the kitchen. This is in contravention of section IV(14)(a)(iv) 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.
- c. Water is infiltrating in through the basement window. There is water damage and mould growth on the drywall below the window in the basement. This is in contravention of section III of the Minimum Housing and Health Standards which states that: The owner shall ensure that the housing premises is structurally sound, in a safe condition, in good repair, and maintained in a waterproof, windproof and weatherproof condition 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.
- d. The unfinished basement is being used for sleeping purposes. The window in the basement does not meet egress requirements as it does not stay open on its own. There is no proper flooring, baseboards are missing throughout, and there are several holes punched through various sections of drywall. This is in contravention of section III(3)(b) 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(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.
- e. The stairs to the basement are in poor condition. Several of the wooden boards are weak and sag when weight is applied. This is in 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.
- f. There is no handrail along the staircase to the basement. This is in 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
 - g. The door at the top of the staircase opens directly over the first stair tread– there is no landing. This is in 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
 - h. There are no working smoke alarms anywhere in the house. 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 and section IV(12)(a) of the Minimum Housing and Health Standards which states that: Smoke alarms shall be operational and in good repair at all times.
 - i. The small washroom in the basement has an elevated floor which feels very weak in the area immediately inside the door. One of the supports for the flooring is crooked and appears to not be supporting the floor properly. 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.
 - j. The wood used for the ramp up to the front of the house is rotting and is very weak. This is in 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.
 - k. There are no handrails or railings along the front exterior ramp. This is in 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.
 - l. There is a broken light switch cover in the hall near the main floor washroom. 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.
 - m. The attic hatch cover is missing. The area around the hatch is rough, unfinished drywall. 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.
 - n. The base of the shower head in the main floor washroom is not flush to the wall. There is a gap which could easily allow water to infiltrate into the wall cavity. 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.

- o. Some of the baseboards in the main floor washroom are swollen and water damaged. 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.
- p. There is a hole in the drywall behind the toilet in the main floor washroom. 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.
- q. The knob for the shower in the main floor washroom is missing. This is in contravention of section IV(6)(b) of the Minimum Housing and Health Standards which states that: Adequate water volume and pressure shall be provided to ensure the proper operation and flushing of all fixtures.
- r. The base of the cupboard below the kitchen sink is cracked, warped, and appears to have some water damage. 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.
- s. There is an unfinished piece of wood affixed to the back of the cupboard under the kitchen sink. 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.

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 December 8, 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. Properly cap the live electrical wire which is hanging down in the basement.
 - b. Install a refrigerator.
 - c. Eliminate the water infiltration issue around the window in the basement. Remove all water damaged and mouldy materials. Replace with new materials.
 - d. Properly dispose of the needles and drug paraphernalia. Ensure the affected areas are cleaned and disinfected.
 - e. Ensure the basement is not used for sleeping purposes until an egress window is in place and the area has been properly finished.

- f. Replace the damaged and weak wooden stair treads within the staircase to the basement.
 - g. Install a handrail along the staircase to the basement.
 - h. Alter the door to the basement staircase ensure it does not open over the stairs.
 - i. Install a smoke alarm near the bedroom.
 - j. Clean up the animal feces and ensure the area is disinfected.
 - k. Repair the support columns under the basement washroom floor so that the floor is structurally sound.
 - l. Remove the ramp or replace the rotten wood in the ramp up to the front door.
 - m. Install handrails or railings along the front exterior ramp.
 - n. Replace the broken light switch in the hall near the main floor washroom.
 - o. Replace the missing attic hatch cover.
 - p. Repair the shower head in the main floor washroom and ensure that it is flush to the wall and sealed.
 - q. Replace the water damaged baseboards in the main floor washroom.
 - r. Patch the hole in the drywall behind the toilet in the main floor washroom and ensure this area is properly finished.
 - s. Replace the knob for the shower in the main floor washroom.
 - t. Replace or re-finish the hand sink in the basement washroom.
 - u. Replace the base of the cupboard below the kitchen sink.
 - v. Remove or properly finish the wood that is at the back of the cupboard under the kitchen sink.
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 **April 30, 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, December 5, 2017
Confirmation of a verbal order issued to Shelly Tupper on November 28, 2017.

Erin McKenna, BSc, BEH(AD), 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