

ORDER OF AN EXECUTIVE OFFICER

To: Robert Kavanaugh
Ryan Kavanaugh
“the Owner”

RE: Those housing premises located in Calgary, Alberta and municipally described as:
7640 23 Street 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:

Common:

- a. Exterior concrete flooring was in severe disrepair creating a hazard near the basement suite.

Basement:

- b. One window pane in the kitchen window was shattered exposing sharp edges.
- c. The flooring into the basement unit was repaired with duct tape and the material was beginning to lift.
- d. There were gaps between flooring material throughout the basement suite (living room, kitchen, and bedroom).
- e. The bedroom ceiling vent cover was missing, and the heating duct was not properly connected to the vent.
- f. The washroom ceiling building material was water absorbent.
- g. The living room ceiling vent cover was missing, and the heating duct was not properly connected to the vent.
- h. The hole around the plumbing under the washroom hand sink was repaired with duct tape.
- i. There were water stains on the living room ceiling building material.

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:

Common:

- a. Exterior concrete flooring was in severe disrepair creating a hazard near the basement suite. This is in 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.

Basement:

- b. One window pane in the kitchen window was shattered exposing sharp edges. 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.
- c. The flooring into the basement unit was repaired with duct tape and the material was beginning to lift. 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.
- d. There were gaps between flooring material throughout the basement suite (living room, kitchen, and 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.
- e. The bedroom ceiling vent cover was missing, and the heating duct was not properly connected to the vent. 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.
- f. The washroom ceiling building material was water absorbent. 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.
- g. The living room ceiling vent cover was missing, and the heating duct was not properly connected to the vent. 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.
- h. The hole around the plumbing under the washroom hand sink was repaired with duct tape. 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.
- i. There were water stains on the living room ceiling building material. 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.

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:

Common:

- a. Repair or replace exterior concrete flooring so it is safe to use.

Basement:

- b. Replace kitchen window.
- c. Remove all duct taped flooring and repair or replace all damaged flooring throughout the basement suite so there are no longer gaps between flooring materials.
- d. Reconnect heat vent in the bedroom and living room ceilings.
- e. Install vent covers in the bedroom and living room ceilings.
- f. Replace washroom ceiling with material that is impervious to moisture, easily cleanable, and smooth.
- g. Remove duct tape around the plumbing under the washroom hand sink and seal exposed gap with new material that is impervious to moisture, easily cleanable, and smooth.
- h. Investigate source of moisture in the living room ceiling and remediate as soon as possible. Remove water-stained material in the living room ceiling and replace with new building material that is imperious to moisture, easily cleanable, and smooth.

2. The work referred to in paragraph 1 shall be completed by June 3, 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, May 3, 2024

Confirmation of a verbal order issued to Robert Kavanaugh on May 3, 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>

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