

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

**To:** Matthew Stuart  
"the Owner"

**And To:** All Occupant(s) of the following Housing premises: 88 Millcrest Way SW - Basement

**RE:** Those housing premises located in Calgary, Alberta and municipally described as: 88 Millcrest Way SW - Basement

**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 a blackened and burnt electrical outlet in the living room.
- b. There was no electrical supply to the majority of the rental suite.
- c. The water supply had been turned off at the main valve to stop a large water leak from several burst pipes.
- d. There was no heat in the rental suite. The ambient temperature in the suite during the inspection was 1C.
- e. There was standing water throughout the rental suite from the flooding produced by the broken water supply pipes.
- f. There were waterlogged building materials and insulation in the furnace room due to a burst pipe.
- g. The openable area of the bedroom window did not open far enough to satisfy the requirements for emergency egress.
- h. There was no water supply to the rental suite.

**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 a blackened and burnt electrical outlet in the living room. 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.
- b. There was no electrical supply to the majority of the rental suite. This is a contravention of section IV(8)(d) of the Minimum Housing and Health Standards which states that: Every owner must ensure a continuous supply of electricity, water and heat unless the rental agreement stipulates that such utility services are the sole responsibility of the occupant.

- c. The water supply had been turned off at the main valve to stop a large water leak from several burst pipes. This is a contravention of section IV(8)(d) of the Minimum Housing and Health Standards which states that: Every owner must ensure a continuous supply of electricity, water and heat unless the rental agreement stipulates that such utility services are the sole responsibility of the occupant.
- d. There was no heat in the rental suite. The ambient temperature in the suite during the inspection was 1C. This is a contravention of section IV(8)(d) of the Minimum Housing and Health Standards which states that: Every owner must ensure a continuous supply of electricity, water and heat unless the rental agreement stipulates that such utility services are the sole responsibility of the occupant.
- e. There was standing water throughout the rental suite from the flooding produced by the broken water supply pipes. This is a contravention of Alberta Regulation 173/99 5(2) 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.
- f. There were waterlogged building materials and insulation in the furnace room due to a burst pipe. This is a contravention of Alberta Regulation 173/99 5(2) 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.
- g. The openable area of the bedroom window did not open far enough to satisfy the requirements for emergency egress. This is a contravention of section III(3)(b)(i, ii) of the Minimum Housing and Health Standards which state that: For buildings of 3 stories 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. Windows referred to in section 3(b)(i) shall provide unobstructed openings with areas not less than 0.35 m<sup>2</sup> (3.8ft<sup>2</sup>), with no dimension less than 380 mm (15').
- h. There was no water supply to the rental suite. This is 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 must be supplied with a potable water supply of sufficient volume, pressure and temperature to serve the needs of the inhabitants.

**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 15, 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. Replace the blackened and burnt electrical outlet in the living room and ensure the electrical system is safe to use.
  - b. Ensure there is electricity supplied to the entire rental suite.
  - c. Repair the burst pipes and return water service to the suite.
  - d. Ensure the furnace is capable of heating the rental suite to 22C.
  - e. Remove the standing water throughout the rental suite.

- f. Remove any soaked or water damaged building materials and insulation to prevent mold growth.
  - g. Ensure the openable area of the bedroom window meets emergency egress requirements.
  - h. Repair the water supply pipes to eliminate the water leaks.
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.

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 14, 2022  
Confirmation of a verbal order issued to Matthew Stuart via voicemail on December 9, 2022.

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, 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 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>