

**ORDER OF AN EXECUTIVE OFFICER
UNFIT FOR HUMAN HABITATION
ORDER TO VACATE**

To: Russell Federation
"the Owner"

Charles Ryan (Property Manager)
"the Owner"

And To: All Occupant(s) of the following Housing premises: House at 578082 184 Street East

RE: Those housing premises located in Foothills County, Alberta and municipally described as: House at 578082 184 Street East, NW 13-18-28-W4M

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 were no utilities being supplied to the property, including electricity, gas, and potable water.
- b. The measured temperature inside the dwelling was 8C.
- c. The staircase leading to the upstairs floor did not have a handrail.
- d. There was no smoke detector installed on the upper floor where a bedroom is located.
- e. The washroom on the upper floor did not have a window for natural ventilation or a mechanical ventilation system installed.
- f. The cistern supplying water to the dwelling was rusted and was not maintained in good repair.
- g. The hot water tank was rusted on the inside and was not operational.
- h. The window in the upstairs bedroom was cracked.
- i. The front door was not properly sealed and there was a large gap resulting in the door not being weatherproof.
- j. Water staining was visible in various areas including the living room, upstairs bedroom, and basement.
- k. The shingles on the roof above the living room were lifting and not maintained in a weatherproof condition.
- l. Water staining was visible on the foundation walls of the basement 3 feet up from the floor, as well as large cracks on the foundation walls.
- m. There was a wood burning stove in the living room that appears to be improperly installed as the wooden ceiling panels around the vent pipe are burnt and insulation is exposed. This may pose a fire hazard.

AND WHEREAS such inspection disclosed that the following breaches of the Public Health Act, the Housing Regulation, Alberta Regulation 173/99, and the Nuisance and General Sanitation Regulation, Alberta Regulation 243/2003, and the Minimum Housing and Health Standards exist in and about the above noted premises, namely:

- a. There were no utilities being supplied to the property, including electricity, heat, and potable water. This is in contravention of section 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.”
- b. The measured temperature inside the dwelling was 8C. This is in contravention of section 8(a) 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 22C(71F)”
- c. The staircase leading to the upstairs floor did not have a handrail. This is in contravention of section 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, 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.”
- d. There was no smoke detector installed on the upper floor where a bedroom is located. This is in contravention with section 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. The washroom on the upper floor did not have a window for natural ventilation or a mechanical ventilation system installed. This is in contravention of section 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.”
- f. The cistern supplying water to the dwelling was rusted and was not maintained in good repair. This is in contravention of sections 11 and 14 of the Nuisance and General Sanitation Regulation which state that “where a person provides a source of water that the person intends to be used or realizes or ought to realize will be used by the public for human consumption, the person shall ensure that the water is potable” and “the owner of a cistern that is used to hold a potable water supply intended for consumption by the public shall ensure that the cistern (a) is maintained in a clean and sanitary condition and (b) is not used for any other purpose.”
- g. The hot water tank was rusted on the inside and was not operational. This is in contravention of section 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.”

- h. The window in the upstairs bedroom was cracked. This is in contravention of section 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.”
- i. The front door was not properly sealed and there was a large gap resulting in the door not being weatherproof. This is in contravention of section 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.”
- j. Water staining was visible in various areas including the living room, upstairs bedroom, and 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.”
- k. The shingles on the roof above the living room were lifting and not maintained in a weatherproof condition. This is in contravention of section 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.”
- l. Water staining was visible on the foundation walls of the basement 3 feet up from the floor, as well as large cracks on the foundation walls. The foundation of the home was in disrepair. This is in contravention of section 1(b) and (d) of the Minimum Housing and Health Standards which states that “basements, cellars or crawl spaces shall be structurally sound, maintained in good repair and free from water infiltration and accumulation.”
- m. There was a wood burning stove that was improperly installed in the living room and can pose a fire hazard. This is in contravention of section 2 of the Nuisance and General Sanitation Regulation 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.”

AND WHEREAS, by virtue of the foregoing, the above noted premises are hereby declared to be **Unfit for Human Habitation**.

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

1. That the occupants vacate the above noted premises on or before November 20th, 2023.
2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Ensure there is a continuous supply of utilities, including electricity, heat, and potable water to the dwelling.
 - b. Ensure the heating facilities are able to maintain a temperature of at least 22C in the dwelling.
 - c. Install a handrail for the staircase from the main floor leading up to the upper floor.
 - d. Install a working smoke detector in the upper floor where a bedroom is located.

- e. Install a method of natural or mechanical ventilation in the upstairs washroom.
 - f. Replace the cistern and ensure that the cistern is maintained in a clean and sanitary condition.
 - g. Supply the water cistern with potable water. A water sample must verify potability of the water prior to use of water from the cistern by tenants.
 - h. Replace the hot water tank to ensure it can supply hot water between 46C and 60C.
 - i. Replace the cracked window in the upstairs bedroom.
 - j. Repair the front door of the dwelling to ensure that it is properly sealed and maintained in a weatherproof condition.
 - k. Identify and repair the source of water infiltration into the home. Remove all water damaged absorbent materials and remove any mold from remaining structures.
 - l. Refinish all remediated areas with new materials.
 - m. Repair/replace shingles to ensure they are weatherproof, waterproof, and windproof.
 - n. Repair foundation in the basement to ensure it is structurally sound, is maintained in good repair, and is free from water infiltration and accumulation. Repairs or modifications of any structural element of the housing premises may require the design and/or supervision of a professional structural engineer or a Safety Codes Officer.
 - o. Remove wood burning stove and adequately seal all exit points, or have a qualified professional ensure the stove is installed safely and to code.
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 vacant and secure from unauthorized entry.

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, November 6, 2023.

Confirmation of a verbal order issued to Russell Fedoration and Charles Ryan on November 3, 2023.

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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