

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

To: Michael Alan Kubinec
"the Owner"

And To: All Occupant(s) of the following Housing premises:

RE: Those housing premises located in Starland County, Alberta and municipally described as: 184079 Township Road 304

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, in contravention of the Public Health Act and the Nuisance and General Sanitation Regulation, Alberta Regulation 243/2003 namely:

- a. No water was supplied to the house.
- b. No operable heating system was present.
- c. No smoke alarm was available that serves the sleeping area.
- d. Loose electrical wiring behind the dryer in the basement.
- e. Damaged drywall was observed in the house, including drywall material pulling off the pillar in the basement and ceiling material in the bedroom.
- f. Stove in the kitchen is not working and the fridge seal not closing properly.
- g. Bags of garbage were stored by the entrance to the home.
- h. Cracked bedroom windows were present. Windows throughout the house are single-pane windows and the bedroom windows were covered with plastic film.
- i. Front deck of the house is being supported by a car jack on a block and the deck at the back of the house is not in good repair.
- j. Evidence of mould was observed in the basement, including white mould in the cellar, black patches on the hardboard, and one of the rods on the basement ceiling covered with grey and white patches.
- k. The house was not connected to a proper sewage disposal system. There is a black hose in one of the holding tanks that ends on the ground which appears to be an inappropriate method of discharging sewage on the ground.
- l. Roof tile materials used to cover the ground surface in some areas along the foundation may not be adequate to prevent water seeping down the foundation and basement. Water infiltration was evident in the basement, thus the basement is not in a waterproof condition.
- m. The lock on the main door to the house was not in good repair.

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

- a. No water was supplied to the house. This is in contravention of Section 9 of the Minimum Housing and Health Standards which states: "Every building used in whole or in part, as housing premises shall be supplied with a potable water supply of sufficient volume, pressure and temperature to serve the needs of the inhabitants."
- b. No operable heating system was present. This is in contravention of Section 8(a) of the Minimum Housing and Health Standards which states: "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 22 Celsius (71 Fahrenheit), or maintained at a temperature of 22 Celsius (71 Fahrenheit) when the control of the supplied heat in a dwelling is the responsibility of a person other than the occupant."
- c. No smoke alarm was available that serves the sleeping area (i.e. bedrooms). This is in contravention of Section 12 of the Minimum Housing and Health Standards which states: "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 alarm shall be installed within the hallway. Smoke alarms shall be operational and in good repair at all times."
- d. Loose electrical wiring behind the dryer in the basement. This is in contravention of Section 11 of the Minimum Housing and Health Standards which states: "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. Damaged drywall was observed in the house, including drywall material pulling off the pillar in the basement and ceiling material in the bedroom. This is in contravention of Section 5 of the Minimum Housing and Health Standards which states: "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. Stove in the kitchen is not working and the fridge seal not closing properly. This is in contravention of Section 14(a)(iv) of the Minimum Housing and Health Standards which states: "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. (40°F)."
- g. Bags of garbage were stored by the entrance to the house. This is in contravention of Section 15 of the Minimum Housing and Health Standards which states: "Every housing premises shall have an adequate number of containers suitable for the storage of garbage and refuse awaiting final disposal."
- h. Cracked bedroom windows were present. Windows throughout the house are single-pane windows and the bedroom windows were covered with plastic film. This is in contravention of Section 2(b)(i) of the Minimum Housing and Health Standards which states: "All windows and exterior doors shall be maintained in good repair, free of cracks and weatherproof."
- i. Front deck of the house is being supported by a car jack on a block and the deck at the back of the house is not in good repair. This is in contravention of Sections 1(a) & (c) of the Minimum Housing and Health Standards which states: "The housing premises shall be structurally sound. Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced."

- j. Evidence of mould was observed in the basement, including white mould in the cellar, black patches on the hardboard, and one of the rods on the basement ceiling covered with grey and white patches. This is in contravention of Section 5(2) of the Housing Regulation, AR 173/99 which states: "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 Section 1(c) of the Minimum Housing and Health Standards which states: "Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced."
- k. The house was not connected to proper sewage disposal system. There is a black hose in one of the holding tanks that ends on the ground which appears to be an inappropriate method of discharging sewage on the ground. This is in contravention of Section 6 of the Minimum Housing and Health Standards which states: "Every housing premises shall be connected to the public sewage system, or to an approved private sewage disposal system."
- l. Roof tile materials used to cover the ground surface in some areas along the foundation may not be adequate to prevent water seeping down the foundation and basement. Water infiltration was evident in the basement, thus the basement is not in a waterproof condition. This is in contravention of Section 1(b) of the Minimum Housing and Health Standards which states: "Basements, cellars or crawl spaces shall be structurally sound, maintained in good repair and free from water infiltration and accumulation."
- m. The lock on the main door to the house was not in good repair. This is in contravention of Section 3 of the Minimum Housing and Health Standards which states: "Exterior windows and doors shall be capable of being secured."

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 Owner(s) takes all steps necessary to ensure all Occupants vacate the above noted premises on or before November 1, 2025.
- 2. That the Owner(s) immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Ensure that the home is supplied with potable water of sufficient volume, pressure and temperature.
 - b. Ensure that the home is supplied with a properly operating heating system.
 - c. Ensure smoke alarms are installed and properly functioning outside of all sleeping areas and the hallways that serves the sleeping areas.
 - d. Ensure all electrical wiring is maintained in a good and safe condition.
 - e. Ensure that damaged and missing drywall throughout the home is properly repaired and replaced.
 - f. Ensure that the food preparation area is supplied with equipment that are maintained in a safe and proper working condition.
 - g. Ensure that suitable containers are provided for storage of garbage to prevent pest harbourage.

- h. Ensure that all damaged windows are replaced. Additionally, bedroom windows must meet emergency egress requirements as per the Minimum Housing and Health Standards.
 - i. Ensure building materials in the house showing evidence of deterioration are replaced or repaired. Evidence of all repair work must be provided to an Executive Officer of Alberta Health Services.
 - j. Ensure mouldy and wet materials are removed and clean up of the area is completed.
 - k. Ensure sewage is disposed appropriately in an approved sewage disposal system. A qualified professional must assess the current system for compliance with the Alberta Private Sewage Systems Standard of Practice.
 - l. Conduct necessary repairs to the foundation to ensure it is structurally sound and does not allow the infiltration of water.
 - m. Repair the exterior door lock to ensure the house is secured at all times.
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 Drumheller, Alberta, November 5, 2025.

Confirmation of a verbal order issued to Nick Kubinec, the Landlord on October 30, 2025.

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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