

ORDER OF AN EXECUTIVE OFFICER CLOSED FOR TENANT ACCOMMODATION PURPOSES

To: Personal Representative of Penny Lynn Kelly-Sitter
"the Owner"

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

RE: Those housing premises located in Delburne, Alberta and municipally described as:
2010 26 Avenue

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. The front stairs of the housing premise were observed to be missing.
- b. No handrail was observed for the front staircase.
- c. The front exterior doors are not capable of being secured (i.e. missing a doorknob and storm door window is broken).
- d. The housing premise is not supplied with running water.
- e. The kitchen sink was observed to be missing tap handles.
- f. The kitchen refrigerator temperature was measured at 16.9°C.
- g. The toilet was not operational.
- h. The main floor bedroom window is an awning-style window where the openable area is obstructed.
- i. The basement bedroom windows are unopenable.
- j. There are no smoke alarms present in the housing premise.
- k. The main floor flooring of the housing premise is excessively worn, uneven and in disrepair.
- l. The plumbing is in disrepair, specifically the p-traps are missing for both the kitchen and bathroom sinks.
- m. Walls adjacent to the bathtub basin were observed to be water damaged.

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. The front stairs of the housing premise were observed to be missing. This is in contravention of Section 3(c)(i) 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."

- b. No handrail was observed for the front staircase. This is in contravention of Section 3(c)(i) 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."
- c. The front exterior doors are not capable of being secured (i.e. missing a doorknob and storm door window is broken). This is in contravention of Section 3(a) of the Minimum Housing and Health Standards which states: "Exterior windows and doors shall be capable of being secured."
- d. The housing premise is not supplied with running water. 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 must be supplied with potable water supply of sufficient volume, pressure and temperature to serve the needs of the inhabitants."
- e. The kitchen sink was observed to be missing tap handles. This is in contravention with Section 14(a)(i) of the Minimum Housing and Health Standards which states: "Every housing premises shall be provided with a food preparation area, which includes a kitchen sink that is supplied with potable hot and cold water and suitably sized to allow preparation of food, washing utensils, and any other cleaning operation."
- f. The kitchen refrigerator temperature was measured at 16.9°C. This is in contravention with 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 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. The toilet was not operational. This is in contravention with Section 6(a) of the Minimum Housing and Health Standards which states: "The plumbing system and the sanitary drainage system or private sewage disposal system, as the case may be, including drains, fixtures, traps, vents, stacks, waste disposal facilities, pumpout sewage holding tanks, septic tanks and the disposal system shall be maintained in a proper operating condition."
- h. The main floor bedroom window is an awning-style window where the openable area is obstructed. This is in contravention of Section 3(b)(ii) of the Minimum Housing and Health Standards which states that: "Windows referred to in section 3(b)(i) shall provide unobstructed openings with areas not less than 0.35m² (3.8ft²), with no dimension less than 380 mm (15")."
- i. The basement bedroom windows are unopenable. This is in contravention of Section 3(b)(i) of the Minimum Housing and Health Standards which states: "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."
- j. There are no smoke alarms present in the housing premise. 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."
- k. The main floor flooring of the housing premise is excessively worn, uneven and in disrepair. This is in contravention with Section 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. (a) 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. (b) Rooms and sections of rooms that are used for food preparation and cooking shall have walls and floors constructed of materials which do not provide harbourage to dirt, grease, vermin and bacteria and that are easily kept clean.”

- l. The plumbing is in disrepair, specifically the p-traps are missing for both the kitchen and bathroom sinks. This is in contravention with Section 6(a) of the Minimum Housing and Health Standards which states that: “The plumbing system and the sanitary drainage system or private sewage disposal system, as the case may be, including drains, fixtures, traps, vents, stacks, waste disposal facilities, pumpout sewage holding tanks, septic tanks and the disposal system shall be maintained in proper operating condition.” This is also in contravention of Section 6(c) of the Minimum Housing and Health Standards which states that: “All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.”
- m. Walls adjacent to the bathtub basin were observed to be water damaged. This is in contravention with Section 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.” This is also in contravention with Section 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.”

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 owner secures the premises from unauthorized entry.
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 the front stairs are repaired and in compliance with all applicable regulations, standards, and codes.
 - b. Ensure handrails are installed and in compliance with all applicable regulations, standards, and codes.
 - c. Ensure the front exterior doors are repaired and capable of being secured.
 - d. Ensure that the premises is supplied with a potable water supply of sufficient volume, pressure and temperature.
 - e. Ensure the kitchen sink taps are repaired or replaced.
 - f. Ensure a functioning fridge is available and capable of maintaining a temperature of 4°C.
 - g. Ensure the toilet is repaired or replaced.
 - h. Repair or replace the main floor bedroom window so they provide unobstructed openings with areas not less than 0.35m² (3.8ft²) and no dimension less than 380 mm (15”).
 - i. Ensure the basement bedroom has at least one outside window that can be opened from the inside without the use of tools or special knowledge. This

- window must also provide an unobstructed opening with areas not less than 0.35m² (3.8ft²) and no dimension less than 380 mm (15").
- j. Ensure a functioning smoke alarm is installed between each sleeping area and the remainder of the suite.
 - k. Ensure the flooring of the housing premise is repaired. It must be in good repair, free of cracks, holes, loose or lifting coverings and in a condition that renders it easy to clean.
 - l. Ensure plumbing fixtures are installed and in compliance with all applicable regulations, standards, and codes.
 - m. Ensure walls and materials (e.g., insulation, drywall) that are wet, or water damaged are repaired and/or replaced. All materials which have mold present must be cleaned or remediated as per current accepted guidelines.
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 Red Deer, Alberta, January 7, 2025.

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
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>

Template revised October 13, 2022