

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

**To:** 1831062 Alberta Ltd.  
Jomin Rathapilly  
"the Owners"

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

- a. No handrail was observed for the front staircase or for the basement staircase.
- b. The front exterior doors are not capable of being secured.
- c. The housing premise is not supplied with running water.
- d. A refrigerator is not available.
- e. A toilet, bathroom hand sink and shower are not available.
- f. The main floor bedroom window is an awning-style window where the openable area is obstructed.
- g. A circuit panel was observed to be hanging from the basement ceiling.
- h. The basement bedroom windows are unopenable.
- i. There are no smoke alarms present in the housing premise.
- j. The main floor flooring of the housing premise is excessively worn, uneven and in disrepair.
- k. The washroom walls and flooring are in disrepair or have been removed.
- l. The kitchen sink plumbing is in disrepair, specifically the p-trap is missing.
- m. The front door light switch cover was missing.
- n. No functional lights are available for the basement stairs and basement.
- o. Excessive clutter was noted in the detached garage and basement.

**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 handrail was observed for the front staircase or for the basement 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.”

- b. The front exterior doors are not capable of being secured. 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.”
- c. 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.”
- d. A refrigerator is not available. 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).”
- e. A toilet, bathroom hand sink and shower are not available. This is in contravention with Section 6(c) of the Minimum Housing and Health Standards which states: “All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.” This is also in contravention of Section 7 of the Minimum Housing and Health Standards which states that: “every housing premises shall be provided with plumbing fixtures of an approved type consisting of at least a flush toilet, a wash basin, and a bathtub or shower.”
- f. 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 0.35m<sup>2</sup> (3.8ft<sup>2</sup>), with no dimension less than 380 mm (15”).”
- g. A circuit panel was observed to be hanging from the basement ceiling. 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.” This is also in contravention of Section 5(2) of the Housing 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.”
- h. 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.”
- i. 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.”
- j. 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.”

- k. The washroom walls and flooring are in disrepair or have been removed. This is in contravention with Section 5(a) 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.”
- l. The kitchen sink plumbing is in disrepair, specifically the p-trap is missing. 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. The front door light switch cover was missing. This is in contravention with 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.”
- n. No functional lights are available for the basement stairs and basement. This is in contravention of Section 13 of the Minimum Housing and Health Standards which states that: “Every public hallway and stairway in a housing premises with multiple dwellings shall be adequately lighted by natural or artificial light at all times, providing in all parts thereof at least 50 lux of light at each tread or floor level.”
- o. Excessive clutter was noted in the detached garage and basement. This is in contravention with Section 16 of the Minimum Housing and Health Standards which states that: “The owner shall ensure that all rooms and other areas used in common by the occupants of the individual dwellings are maintained in a clean and sanitary condition.”

**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 May 16, 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 handrails are installed and in compliance with all applicable regulations, standards, and codes.
  - b. Ensure the front exterior doors are capable of being secured.
  - c. Ensure that the premises is supplied with a potable water supply of sufficient volume, pressure and temperature.

- d. Ensure a functioning fridge is available and capable of maintaining a temperature of 4°C.
  - e. Ensure that a functional toilet, washroom sink and bathtub are installed and in compliance with all applicable regulations, standards, and codes.
  - f. Repair or replace the main floor bedroom window so they provide unobstructed openings with areas not less than 0.35m<sup>2</sup> (3.8ft<sup>2</sup>) and no dimension less than 380 mm (15").
  - g. Ensure that the electrical system and fixtures are installed and in compliance with all applicable regulations, standards, and codes.
  - h. 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 0.35m<sup>2</sup> (3.8ft<sup>2</sup>) and no dimension less than 380 mm (15").
  - i. Ensure a functioning smoke alarm is installed between each sleeping area and the remainder of the suite.
  - j. Ensure the flooring, walls and ceilings of the housing premise are 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.
  - k. Ensure plumbing fixtures are installed and in compliance with all applicable regulations, standards, and codes.
  - l. Ensure that all areas at the housing premise are maintained in a clean and sanitary condition.
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 Red Deer, Alberta, May 13, 2025

Confirmation of a verbal order issued to James Strangways on May 12, 2025.

Order amended on November 13, 2025, only to reflect a change in ownership of the premises.

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](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>.

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**Copies of standards are available by visiting:** <https://www.alberta.ca/health-standards-and-guidelines.aspx>

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