

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

**To:** Personal Representative of Delton Smith  
"the Owner"

**RE:** Those housing premises located in Delburne, Alberta and municipally described as:  
2209 20 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. Excessive accumulation of garbage and refuse was observed throughout the property (interior and exterior), limiting access to areas of the housing premises.
- b. Exterior cladding observed to be in disrepair.
- c. The housing premise is not supplied with potable water for domestic and drinking purposes.
- d. The patio deck and railings are in disrepair (structure is slanted with missing balusters).
- e. The main floor windows and patio door are broken and not capable of being secured.
- f. The toilet is in disrepair.
- g. The washroom is not provided with natural or mechanical ventilation.
- h. There is no handrail leading to the upper level.
- i. The insect screen of the window next to the front door was in disrepair.
- j. Drywall was missing in the washroom.

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

- a. Excessive accumulation of garbage and refuse was observed throughout the property (interior and exterior), limiting access to areas of the housing premises. This is in contravention of 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." This is also in contravention of Section 2(1) of the Nuisance and General Sanitation Regulation which states that: "No person shall create, commit, or maintain a nuisance."
- b. Exterior cladding observed to be in disrepair. 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."
- c. The housing premise is not supplied with 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. The patio deck and railings are in disrepair. This is in contravention of 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.” And 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.”
- e. The patio door and windows are broken and not capable of being secured. 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.” And Section 3(a) of the Minimum Housing and Health Standards which states: “Exterior windows and doors shall be capable of being secured.”
- f. The toilet is in disrepair. This is in contravention of Section 7 of the Minimum Housing and Health Standards which states: “Except where exempt by regulation, 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.”
- g. The washroom is not provided with natural or mechanical ventilation. This is in contravention of Section 7(c) of the Minimum Housing and Health Standards which states: “All rooms containing a flush toilet and/or bathtub or shower shall be provided with natural or mechanical ventilation.”
- h. There is no handrail leading to the upper level. This is in contravention of Section 3(c)(i) of the Minimum Housing and Health Standards which states: “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.”
- i. The insect screen of the window next to the front door was in disrepair. This is in contravention of Section 2(b)(iii) of the Minimum Housing and Health Standards which states: “During the portion of the year when there is a need for protection against flies and other flying insects, every window or other device intended for ventilation shall be supplied with effective screens.”
- j. Drywall in the washroom was missing. This is in contravention of Section 5a of the Minimum Housing and Health Standards which states: “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 **Unfit for Human Habitation**.

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

- 1. That the owner immediately secure the property 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. Remove all excessive garbage and refuse from the premises.

- b. Ensure the exterior cladding is repaired and maintained in a waterproof, windproof, and weatherproof condition.
  - c. Ensure that the premises is supplied with a potable water supply of sufficient volume, pressure and temperature.
  - d. Ensure the patio deck is repaired and in compliance with all applicable regulations, standards and codes.
  - e. Ensure all broken windows and doors are repaired or replaced. These windows and doors must also be capable of being secured.
  - f. Ensure the washroom is provided with natural or mechanical ventilation.
  - g. Ensure the toilet is repaired or replaced.
  - h. Ensure a handrail is installed and is in compliance with all applicable regulations, standards and codes.
  - i. Ensure all damaged window screens are repaired or replaced.
  - j. Ensure all walls are installed in the washroom along the staircase leading to the second floor.
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, July 26, 2024.

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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