

**ORDER OF AN EXECUTIVE OFFICER
CLOSED FOR TENANT ACCOMMODATION PURPOSES
ORDER TO VACATE**

To: Chad Nestransky
"the Owner"

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

RE: Those housing premises located in Red Deer, Alberta and municipally described as:
3932 35A Avenue – Basement Suite

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 is no smoke alarm between the northeast bedroom and the remainder of the suite.
- b. The smoke alarm between the southwest bedroom and the remainder of the suite does not work.
- c. There is no window in the northeast bedroom.
- d. The window in the southwest bedroom is secured with a screw.
- e. There is no natural or mechanical ventilation in the bedrooms.

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. There is no smoke alarm between the northeast bedroom and the remainder of the suite. Contrary to Section 12 of the Minimum Housing and Health Standards that 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 alarms shall be installed within the hallway. (a) Smoke alarms shall be operational and in good repair at all times."
- b. The smoke alarm between the southwest bedroom and the remainder of the suite does not work. Contrary to Section 12 of the Minimum Housing and Health Standards that 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 alarms shall be installed within the hallway. (a) Smoke alarms shall be operational and in good repair at all times."
- c. There is no window in the northeast bedroom. Contrary to Section 3(b)(i) of the Minimum Housing and Health Standards that 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. (ii) Windows referred to in section 3(b)(i) shall provide unobstructed openings with areas not less than 0.35 m² (3.8 ft²), with no dimension less than 380 mm (15”).
- d. The window in the southwest bedroom is secured with a screw. Contrary to Section 3(b)(i) of the Minimum Housing and Health Standards that 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.”
 - e. There is no natural or mechanical ventilation in the bedrooms. Contrary to Section 4(i) of the Minimum Housing and Health Standards that states: “All rooms used for sleeping shall be provided with: (a) an openable window area of 0.28 m² (3.0 ft²); or (b) mechanical ventilation in conformance with the requirements of the Alberta Building Code.”
 - f. The bathroom window does not open and there is no mechanical ventilation in the bathroom. Contrary to Section 7(c) of the Minimum Housing and Health Standards that states: “All rooms containing a flush toilet and/or bathtub or shower shall be provided with natural or mechanical ventilation.”
 - g. The ceiling in the kitchen is open to the main level floor joists. Contrary to Section 5(b) of the Minimum Housing and Health Standards that states: “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.”
 - h. The southwest bedroom window glass is broken and has been replaced with plywood. Contrary to Section 2(b)(i) of the Minimum Housing and Health Standards that states: “All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof.”

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 occupants vacate the above noted premises on or before April 23, 2019.
2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Install an operational smoke alarm between the sleeping areas and the remainder of the suite.
 - b. Provide a window with an openable area of at least 0.35 m² (3.8 ft²) with no dimension less than 380 mm (15”) in the northeast bedroom or no longer use the room for sleeping.
 - c. Ensure that the window in the southwest bedroom can be opened without the use of special knowledge or tools.
 - d. Ensure that there is either natural ventilation (openable window of at least 0.28 m² (3.0 ft²) or mechanical ventilation in the bedrooms.
 - e. Ensure that there is either natural or mechanical ventilation in the bathroom.
 - f. Ensure that the ceiling in the kitchen is constructed of materials that are easily kept clean.
 - g. Repair the broken window in the southwest bedroom.

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, April 9, 2019

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: <http://www.health.alberta.ca/about/PHAB.html>

A Notice of Appeal form may be obtained by contacting Alberta Health Services at 780-342-0122 or by contacting the Public Health Appeal Board.

Health Legislation, Regulations and Standards

Electronic versions of the Public Health Act and Regulations are available at the Alberta Queen's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or www.qp.gov.ab.ca.

Health Legislation and regulations are available for purchase. Please contact Alberta Queen's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or www.qp.gov.ab.ca.

Copies of standards are available by contacting the Health Protection Branch of Alberta Health at

780-427-4518 or by visiting: www.health.alberta.ca/about/health-legislation.html

Template revised May 8, 2018

Copy: City of Red Deer