

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

**To:** Elmer Loyek  
"the Owner"

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

**RE:** Those housing premises located in Ponoka County, Alberta and municipally described as:  
440006 Range Road 33

**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. Mold growth occurring on the ceiling in the bedroom.
- b. Hoarding conditions throughout the dwelling and this leads to a potential risk to tenants and neighbours.

**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. Presence of mold growth on the ceiling, in one bedroom. This condition is in contravention of section 1 (a) and (c) of the Minimum Housing and Health Standards which states, "The housing premises shall be structurally sound", and "Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced."
- b. Lack of smoke alarm in the bedroom hallway. This condition 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 alarms shall be installed within the hallway."
- c. One of the bedrooms does not have an openable window. This condition 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."

- d. There's a lack of floor covering in the living room. This condition 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."
- e. The ceiling of the dwelling is in disrepair and this could be due to the attic addition above. This is in contravention of section 1(a) of the Minimum Housing and Health Standards which states, "The housing premises shall be structurally sound."
- f. Unsanitary and unsafe due to hoarding and litter of kittens around property. This is in contravention of section 5(2) of the Housing Regulation, Alberta Regulation 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 conditions that may hinder in any way the prevention and suppression of disease."

**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 occupants vacate the above noted premises on or before August 15, 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. Remove any moldy or rotting material and remediate the area in the bedroom.
  - b. Install a smoke alarm in the hallway.
  - c. Repair flooring in the living room.
  - d. Install a window in the bedroom to ensure that it meets the requirements for emergency egress.
  - e. Submit a water sample for bacteriological analysis.
  - f. Provide an assessment from a building inspector stating that the dwelling is structurally sound and is habitable.
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 Ponoka, Alberta, July 23, 2019

Confirmation of a verbal order issued to tenant on July 23, 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](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 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](http://www.qp.gov.ab.ca).

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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](http://www.health.alberta.ca/about/health-legislation.html)

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