

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

To: Michael Wells
"the Owner"

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

RE: Those housing premises located in Ponoka, Alberta and municipally described as:
5107 54 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. Electrical outlets and light switches throughout the dwelling are missing cover plates.
- b. The overhead lights in the hallway and front entryway are missing fixtures.
- c. The wood flooring does not appear to be sealed, making it absorbent and uncleanable.
- d. In the living room, there is a hole in the floor approximately 2-3 inches in diameter.
- e. The floor transition pieces from the hallway into the bathroom, and from the kitchen down the steps, and from the kitchen to the living room are missing.
- f. The stairs going to the basement has coverings on the risers that are not in good repair.
- g. The kitchen laminate floor has visible cracks and is peeling around the edges.
- h. The bathroom laminate floor is peeling at the bathtub, therefore, the joint between the floor and the bathtub is not watertight.
- i. In the basement, the unenclosed area with a toilet, shower, and handwashing basin has unsealed concrete floors and unsealed/unfinished walls.
- j. Throughout the dwelling, the walls are in disrepair due to holes of various sizes and door frames and trim pieces that are in disrepair.
- k. In the bedroom, the wall above the window has long cracks in the drywall.
- l. In the upstairs bathroom near the ceiling fan, there are cracks in the ceiling material.
- m. In the upstairs bathroom, the wall next to the shower has peeling wallpaper, exposing unfinished plaster.
- n. The ceiling in the living room has numerous long cracks, some of which have been plastered, and there are pieces or missing or broken ceiling material which exposes an absorbent surface.
- o. The furnace filter is heavily soiled with dust and debris.
- p. There is an accumulation of miscellaneous items in the yard around the detached garage.
- q. In the basement by the stairs, the drainage pipe for the kitchen sink has an opening that is covered by tape.

- r. The basement floor drains (approximately 2 to 3 inches in diameter and depth) by the stairs and in front of the toilet do not have covers nor are they flush with the floor.
- s. The vertical sliding window in the bedroom does not remain open on its own.
- t. The horizontal sliding window in the bedroom requires excessive force to fully open. The openable area available without the use of excessive force is 9 inches by 28 inches (1.563 square feet).
- u. The smoke alarm is not operational.
- v. The front exterior door has broken glass and a taped hole where the deadbolt is intended to go.
- w. The back exterior door is not windproof, waterproof, and weatherproof.
- x. The weatherstripping at the front and back exterior doors are in disrepair or missing, and do not create a weatherproof seal.
- y. The basement windows are either missing glass partially or fully and/or have damaged glass.

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 (July 20, 1999; revised June 30, 2012) exist in and about the above noted premises, namely:

- a. Electrical outlets and light switches throughout the dwelling are missing cover plates. This is in contravention of Section 11 of the Minimum Housing and Health Standards which states: "Outlets, switches and fixtures shall be properly installed and shall be maintained in a good and safe working condition."
- b. The overhead lights in the hallway and front entryway are missing fixtures. This is in contravention of Section 11 of the Minimum Housing and Health Standards which states: "Outlets, switches and fixtures shall be properly installed and shall be maintained in a good and safe working condition."
- c. The wood flooring does not appear to be sealed, making it absorbent and uncleanable. This 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."
- d. In the living room, there is a hole in the floor approximately 2-3 inches in diameter. This 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 floor transition pieces from the hallway into the bathroom, and from the kitchen down the steps, and from the kitchen to the living room are missing. This is in contravention of Section 5(b) of the Minimum Housing and Health Standards which 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."
- f. The stairs going to the basement has coverings on the risers that are not in good repair. This 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."

- g. The kitchen laminate floor has visible cracks and is peeling around the edges. This is in contravention of Section 5(b) of the Minimum Housing and Health Standards which 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 bathroom laminate floor is peeling at the bathtub, therefore, the joint between the floor and the bathtub is not watertight. This is in contravention of Section 5(a) 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.”
- i. In the basement, the unenclosed area with a toilet, shower, and handwashing basin has unsealed concrete floors and unsealed/unfinished walls. This is in contravention of Section 5(a) 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.”
- j. Throughout the dwelling, the walls are in disrepair due to holes of various sizes and door frames and trim pieces that are in disrepair. This 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.”
- k. In the bedroom, the wall above the window has long cracks in the drywall. This 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.”
- l. In the upstairs bathroom near the ceiling fan, there are cracks in the ceiling material. This 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.”
- m. In the upstairs bathroom, the wall next to the shower has peeling wallpaper, exposing unfinished plaster. This is in contravention of Section 5(a) 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.”
- n. The ceiling in the living room has numerous long cracks, some of which have been plastered, and there are pieces or missing or broken ceiling material which exposes an absorbent surface. This 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.”
- o. The furnace filter is heavily soiled with dust and debris. This is in contravention of Section 5(2) of the Housing Regulation 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 condition that may hinder in any way the prevention or suppression of disease.”
- p. There is an accumulation of miscellaneous items in the yard around the detached garage. This is in contravention of Section 5(2) of the Housing Regulation 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 condition that may hinder in any way the prevention or suppression of disease.”
 - q. In the basement by the stairs, the drainage pipe for the kitchen sink has an opening that is covered by tape. This is in contravention of Section 6(a, c) of the Minimum Housing and Health Standards which state: “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.” and “All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.”
 - r. The basement floor drains (approximately 2 to 3 inches in diameter and depth) by the stairs and in front of the toilet do not have covers nor are they flush with the floor. This is in contravention of 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.” It is also in contravention of Section 5(2) of the Housing Regulation 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 condition that may hinder in any way the prevention or suppression of disease.”
 - s. The vertical sliding window in the bedroom does not remain open on its own. 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.”
 - t. The horizontal sliding window in the bedroom requires excessive force to fully open. The openable area available without the use of excessive force is 9 inches by 28 inches (1.563 square feet). This is in contravention of Section 3(b)(ii) of the Minimum Housing and Health Standards which states: “Windows referred to in section 3(b)(i) shall provide unobstructed openings with areas not less than 0.35 m² (3.8ft²), with no dimension less than 380 mm (15”).”
 - u. The smoke alarm is not operational. This is in contravention of Section 12(a) of the Minimum Housing and Health Standards which states: “Smoke alarms shall be operational and in good repair at all times.”
 - v. The front exterior door has broken glass and a taped hole where the deadbolt is intended to go. This is in contravention of Section 2(b)(i) of the Minimum Housing and Health Standards which states: “All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof.”
 - w. The back exterior door is not windproof, waterproof, and weatherproof. This is in contravention of Section 2(b)(i) of the Minimum Housing and Health Standards which states: “All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof.”

- x. The weatherstripping at the front and back exterior doors are in disrepair or missing, and do not create a weatherproof seal. This is in contravention of Section 2(b)(i) of the Minimum Housing and Health Standards which states: “All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof.”
- y. The basement windows are either missing glass partially or fully and/or have damaged glass. This is in contravention of Section 2(b)(i) of the Minimum Housing and Health Standards which 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 March 15, 2024.
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 that electrical outlets and switches are equipped with covers.
 - b. Ensure that lights are equipped with fixtures.
 - c. Ensure that all flooring, including transition areas, is smooth, durable, non-absorbent, easy to clean, and in good repair.
 - d. Ensure that the bathroom flooring forms a watertight joint with the walls and the bathtub or shower.
 - e. Ensure that the basement bathroom floors, walls, and ceiling are smooth, durable, non-absorbent, easy to clean, in good repair, and form a watertight joint with one another. Ensure that this space meets Building and Fire Codes by consulting with relevant inspectors and provide a copy of these reports to an Executive Officer.
 - f. Ensure that all walls, door frames, and trim pieces are in good repair, smooth, durable, non-absorbent, and easy to clean.
 - g. Ensure that all ceilings are in good repair, free of cracks, holes, and in a condition that renders it easy to clean.
 - h. Ensure that furnace filters are replaced at intervals specified by the furnace manufacturer or a qualified specialist.
 - i. Remove the excess accumulated items in the yard.
 - j. Ensure that plumbing and drainage fixtures are maintained in proper operating condition and that openings are sealed or capped with appropriate devices for the fixture.
 - k. Ensure that floor drains are equipped with covers that are in good repair, in proper operating condition, and are flush with the floor.
 - l. Ensure that windows in rooms used for sleeping are in good repair, capable of being opened from the inside without the use of special tools or special knowledge, and provide an unobstructed opening with areas not less than 3.8 square feet (0.35 square metres) with no dimension less than 15 inches.
 - m. Ensure that hallways that serve bedrooms are equipped with an operational smoke alarm at all times.
 - n. Ensure that exterior doors are in good repair and weatherproof, and that the door creates a weatherproof seal when closed.
 - o. Ensure that all windows are in good repair and weatherproof.

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 Ponoka, Alberta, January 31, 2024

Confirmation of a verbal order issued to Michael Wells on January 25, 2024.

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>

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Copy: Town of Ponoka