

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

**To:** Gregg McLellan  
"the Owner"

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

**RE:** Those housing premises located in Ponoka, Alberta and municipally described as:  
5212 53 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. Nuisance conditions were observed. There is a significant excessive accumulation of hazardous waste, garbage, junk, and materials, outside in the yards (front, sides, and back) as well as inside and surrounding the shed.
- b. The plumbing and sewage system are not being maintained in proper operating condition.
- c. Exterior doors and windows are not capable of being secured.
- d. There is a significant excessive accumulation of waste and hazardous waste, garbage, junk, and materials inside the home.
- e. There is an inadequate supply of utility services in the housing premises.
- f. There is a lack of operational smoke alarms.
- g. The refrigerator is not being maintained in a safe and proper operating condition.
- h. A properly maintained toilet and handsink is not being provided.
- i. Potable water is not being supplied to the premises.
- j. There are several exterior doors and windows that are not maintained in good repair, and not weatherproof.
- k. The electrical panel is in severe disrepair.
- l. The housing premises is not structurally sound.

**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. Nuisance conditions were observed. There is a significant excessive accumulation of hazardous waste, garbage, junk, and materials, outside in the yards (front, sides, and back) as well as inside and surrounding the shed. This is in contravention of the Housing Regulation, AR 173/99, section 5(2) 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.”

- b. The plumbing and sewage system are not being maintained in proper operating condition. This is in contravention of the Minimum Housing and Health Standards, section 6(a) and 6(c) 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, pump out 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.”, respectively.
- c. Exterior doors and windows are not capable of being secured. This is in contravention of the Minimum Housing and Health Standards, section 3(a) which states: “Exterior windows and doors shall be capable of being secured.”
- d. There is a significant excessive accumulation of waste and hazardous waste, garbage, junk, and materials inside the home. This is in contravention of the Minimum Housing and Health Standards, section 16 which states: “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.”
- e. There is an inadequate supply of utility services in the housing premises. This is in contravention of the Minimum Housing and Health Standards, section 8(d) which states: “Every owner of a housing premises shall ensure a continuous supply of electricity, water and heat unless the rental agreement stipulates that such utility services are the sole responsibility of the occupant.”
- f. There is a lack of operational smoke alarms. This is in contravention of the Minimum Housing and Health Standards, section 12 and 12(a) which state: “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. Smoke alarms shall be operational and in good repair at all times.”
- g. The refrigerator is not being maintained in a safe and proper operating condition. This is in contravention of the Minimum Housing and Health Standards, section 14(a)(iv) which states: “Unless the rental agreement stipulates the tenant is responsible, it is the owner’s responsibility to ensure that the food preparation area is provided with a refrigerator that is capable of maintaining a temperature of 4°C (40°F) and is maintained in a safe and proper operating condition.”
- h. A properly maintained toilet and handsink is not being provided. This is in contravention of the Minimum Housing and Health Standards, section 7, 7(a), and 7(b) which state: “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. The washbasins and bathtub or shower shall be supplied with potable hot and cold running water. The wash basin should be in the same room as the flush toilet or in close proximity to the door leading directly into the room containing the flush toilet.”
- i. Potable water is not being supplied to the premises. This is in contravention of the Minimum Housing and Health Standards, section 9 which states: “Every building used in whole or in part, as housing premises shall be supplied with a potable water supply of sufficient volume, pressure and temperature to serve the needs of the inhabitants.”
- j. There are several exterior doors and windows that are not maintained in good repair, and are not weatherproof. This is in contravention of the Minimum Housing and Health Standards, section 2(b)(i) which states: “All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof.”

- k. The electrical panel is in severe disrepair. This is in contravention of the Minimum Housing and Health Standards, section 11 which states: “Outlets, switches and fixtures shall be properly installed and shall be maintained in a good and safe working condition.”
- l. The housing premises is not structurally sound. This is in contravention of the Minimum Housing and Health Standards, section 1(a) and 1(d) which state: “The housing premises shall be structurally sound.”, and “Repairs or modifications of any structural element of the housing premises may require the design and/or supervision of a professional structural engineer or a Safety Codes Officer (Building Discipline).”, respectively.

**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 June 6, 2023.
- 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 the nuisance conditions outside in the yard (front, sides, and back), including inside the house and surrounding the shed are remediated.
  - b. Ensure that the plumbing and sewage system is maintained in a proper operating condition.
  - c. Ensure exterior windows and doors are capable of being secured.
  - d. Ensure all rooms and other areas used in common are maintained in a clean and sanitary condition.
  - e. Ensure there is a continuous supply of electricity, water and heat.
  - f. Ensure there are a sufficient number of operational smoke alarms installed throughout the dwelling.
  - g. Ensure the refrigerator is capable of maintaining a temperature of 4°C (40°F) and is maintained in a safe and proper operating condition.
  - h. Ensure there is a properly installed and operational flush toilet and wash basin.
  - i. Ensure there is a potable water supply of sufficient volume, pressure and temperature.
  - j. Ensure all windows and exterior doors are maintained in good repair, free of cracks and are weatherproof.
  - k. Ensure the electrical panel is in safe working condition.
  - l. Ensure the housing premises is structurally sound and verified by a Safety Codes Officer.
- 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, June 6, 2023

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>.

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  
RCMP (Ponoka Detachment)