

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

To: Lane Watson
Jason & Tammy Nelson
“the Owner”

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

RE: Those housing premises located in Drayton Valley, Alberta and municipally described as:
5302 52 Street, unit 2

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. The electrical system is in disrepair.
- b. The floors/walls/ceilings are in disrepair.
- c. The food preparation area is in disrepair.
- d. The housing premises does not have adequate heating facilities.
- e. The plumbing system is in disrepair.
- f. The bedroom windows do not meet the minimum requirements for emergency egress.
- g. There are no functioning smoke alarms.
- h. The exterior siding and skirting are not in a windproof, waterproof and weatherproof condition.
- i. The washroom is in disrepair.
- j. There are no utility connections for electricity, water or gas.

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. The electrical system is in disrepair. This condition is contrary to section 11 of the Public Health Act, Minimum Housing and Health Standards, which states: “Every housing premises shall be supplied with electrical service. Outlets, switches and fixtures shall be properly installed and shall be maintained in a good and safe working condition.”
- b. The floors/walls/ceilings are in disrepair. This condition is contrary to section 5 of the Public Health Act, Minimum Housing and Health Standards, which states: “All walls, windows, ceilings, floors and floor coverings shall be maintained in good repair, free of cracks and holes, loose or lifting coverings and in a condition that renders it easy to clean.”

- c. The food preparation area is in disrepair. This condition is contrary to section 14 of the Public Health Act, Minimum Housing and Health Standards, which states: “Every housing premises shall be provided with a food preparation area, which includes (i) a kitchen sink that is supplied with potable hot and cold water and suitably sized to allow preparation of food, washing utensils and any other cleaning operation; and (ii) cupboards or other facilities for the storage of food; and (iii) a counter or table used for food preparation which shall be of sound construction and furnished with surfaces that are easily cleaned; and (iv) a stove and a refrigerator that are maintained in a safe and proper operating condition. The refrigerator shall be capable of maintaining a temperature of 4 degrees C.”
- d. The housing premises does not have adequate heating facilities. This condition is contrary to section 3(1) of the Public Health Act, Housing Regulation, which states: “Subject to subsection (3) and section 4, an owner shall ensure that (b) the occupants of the housing premises are supplied with adequate (ii) heating facilities that are capable of maintaining a habitable indoor temperature, if the housing premises are used or intended for use during all or part of the period from September 1 in one year until May 1 in the following year.”
- e. The plumbing system is in disrepair. This condition is contrary to section 6 of the Public Health Act, Minimum Housing and Health Standards, which states: “Every housing premises shall be connected to the public sewage system, or to an approved private sewage disposal system. (a) 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. (b) Adequate water volume and pressure shall be provided to ensure the proper operation and flushing of all fixtures. (c) All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.”
- f. The bedroom windows do not meet the minimum requirements for emergency egress. This condition is contrary to section 3(b)(i) of the Public Health Act, Minimum Housing and Health Standards, which states: “Emergency egress for building 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) window referred to in section 3(b)(i) shall provide unobstructed openings with areas not less than 0.35 square meters, with no dimension less than 380 mm.”
- g. There are no functioning smoke alarms. This condition is contrary to section 12 of the Public Health Act, 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. (a) Smoke alarms shall be operational and in good repair at all times.”
- h. The exterior siding and skirting are not in a windproof, waterproof and weatherproof condition. This condition is contrary to section 2(a) of the Public Health Act, Minimum Housing and Health Standards, which states: “The roof and exterior cladding of walls shall be maintained in a waterproof, windproof and weatherproof condition.”
- i. The washroom is in disrepair. This condition is contrary to section 7 of the Public Health Act, Minimum Housing and Health Standards, which states: “Washroom facilities, 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.”
- j. There are no utility connections for electricity, water or gas. This condition is contrary to section 8(d) of the Public Health Act, Minimum Housing and Health Standards, which states: “Every owner must 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.”

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 July 8, 2022.
2. That the Owner undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. That the exterior doors, windows and any other access points of the building must be secured to prevent unauthorized access. Complete this work by July 15, 2022.
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 Wetaskiwin, Alberta, June 24, 2022.

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
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 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: <https://www.alberta.ca/health-standards-and-guidelines.aspx>

Template revised April 25, 2022

Copy: Town of Drayton Valley
RCMP Drayton Valley