

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

To: Diane Moody
Jason and 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 6.

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. Lack of utility connections for this housing premises. This includes electricity, water and gas.
- b. There is no source of heat for this housing premises.
- c. There are no smoke alarms.
- d. The washroom is not functional.
- e. The kitchen is not functional.
- f. The roof and ceiling are in disrepair due to potential water infiltration.
- g. The electrical system is in disrepair.
- h. The floors/walls/ceilings are in disrepair.
- i. The bedroom windows have been screwed shut, which does not allow for emergency egress.
- j. The exterior siding and skirting are not in a windproof, waterproof and weatherproof condition.

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 housing premises has no utility connections. This condition is in contravention of section 3(1)(b)(ii)(iii) of the Housing Regulation, AR 173/99 which states: “an owner shall ensure that the occupants of the housing premises are supplied with adequate heating facilities that are capable of maintaining a habitable indoor temperature, running hot and cold water that is safe for human consumption.”
- b. Lack of heat and heating facilities. The furnace is not operational. This condition is in contravention of section 8(a) of the Minimum Housing and Health Standards which states:

“All heating facilities within a housing premises are to be properly installed and maintained in good working condition and be capable of safely and adequately heating all habitable rooms, bathrooms within the building to a temperature of at least 22°C.”

- c. There are no smoke alarms. This condition 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.”
- d. The bathtub, toilet and sink are not operational due to the lack of running water within the dwelling. This condition is in contravention of section 7 of the Minimum Housing and Health Standards which states: “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.”
- e. Lack of appropriate food preparation facilities. This condition is in contravention of section 14(a) of the 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 running water; (ii) cupboards or other facilities suitable for the storage of food; (iii) a counter or table used for food preparation which shall be of sound construction and furnished with surfaces that are easily cleaned; (iv) a stove and a refrigerator that are maintained in a safe and proper operating condition.”
- f. The roof and ceiling are in disrepair due to potential water infiltration. This condition is contrary to the requirements of the Minimum Housing and Health Standards, section 2(a) which states: “The roof and exterior cladding of walls shall be maintained in a waterproof, windproof and weatherproof condition.” and section 1(c) which states: “Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.”
- g. 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.”
- h. 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.”
- i. The bedroom windows have been screwed shut, which does not allow for emergency egress. This condition is contrary to section 3(b)(iii) of the Public Health Act, Minimum Housing and Health Standards, which states: “If the window referred to in section 3(b)(i) is provided with security bars, the security bars shall be installed so they may be opened from the inside without the use of any tools or special knowledge.”
- j. 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.”

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. The exterior doors, windows and 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 27, 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