

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

To: Deo Jaipaul
Shantie Jaipaul
“the Owners”

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

RE: Those housing premises located in Ponoka, Alberta and municipally described as:
5402 54 Avenue (all units)

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. Significant fire and/or water damage observed throughout multiple units.
- b. The extent of the fire damage may have compromised the structural integrity of the building.
- c. Strong odour of smoke and rotted or damaged materials observed throughout multiple units.
- d. The West-side main-floor unit ceiling has a large open area (approximately one metre by two metres), exposing internal structural components.
- e. Various windows throughout multiple units observed to be broken or cracked.
- f. Lack of operational smoke alarms observed throughout the units.
- g. Exterior handrails are insecure and loose-fitting.
- h. Exterior wooden stair treads have visible rot and are not in good repair.
- i. The gas utility has been turned off.
- j. The electrical utility has been turned off.
- k. Various electric switches and outlets are not equipped with cover plates and are not in safe, working order.

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. Significant fire and/or water damage observed throughout multiple units. This condition is contrary to 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 listing coverings and in a condition that renders it easy to clean.”

- b. The extent of the fire damage may have compromised the structural integrity of the building. This condition is contrary to section 1(a) of the Minimum Housing and Health Standards which states: “The housing premises shall be structurally sound.”
- c. Strong odour of smoke and rotted or damaged materials observed throughout multiple units. This condition is contrary to section 5(2) of the Housing Regulation, A/R 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 condition that may hinder in any way the prevention or suppression of disease.”
- d. The West-side main-floor unit ceiling has a large open area (approximately one metre by two metres), exposing internal structural components. This condition is contrary to section 1(c) of the Minimum Housing and Health Standards which states: “Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.”
- e. Various windows throughout multiple units observed to be broken or cracked. This condition is contrary to 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.”
- f. Lack of operational smoke alarms observed throughout the units. This condition is contrary to 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. (a) Smoke alarms shall be operational and in good repair at all times.”
- g. Exterior handrails are insecure and loose-fitting. This condition is contrary to section 3(c)(i) of the Minimum Housing and Health Standards which states: “Inside or outside stairs or porches including all treads, risers, supporting structural members, handrails, guards and balconies, shall be maintained in good repair and shall comply with the requirements of the Alberta Building Code or a Professional Engineer design.”
- h. Exterior wooden stair treads have visible rot and are not in good repair. This condition is contrary to section 1(c) of the Minimum Housing and Health Standards which states: “Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.”
- i. The gas utility has been turned off. This condition is contrary to section 8(d) of the 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.”
- j. The electrical utility has been turned off. This condition is contrary to section 8(d) of the 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.”
- k. Various electric switches and outlets are not equipped with cover plates and are not in safe, working order. This condition is contrary to section 11 of the Minimum Housing and Health Standards which states: “Every housing premises shall be supplied with electrical service. Outlets, switches and fixtures shall be property installed and shall be maintained in a good and safe working 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 any and all occupants vacate the above noted premises on or before October 30, 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. Repair or replace all materials with evidence of fire and/or water damage. Ensure that all doors, walls, ceilings, baseboards, wall trims are installed and/or repaired where damaged.
 - b. Ensure that the building is properly assessed by a professional structural engineer or a Safety Codes Officer (Building Discipline) for structural integrity and send a copy of this report to an Executive Officer of Alberta Health Services.
 - c. Ensure that the housing premises does not present a condition that is or may become injurious or dangerous to public health.
 - d. Repair the damaged and/or missing ceiling materials and ensure that ceilings are in good repair, free of cracks and holes.
 - e. Ensure that all windows are in good repair, free of cracks, and weatherproof.
 - f. Ensure properly operating smoke alarms are installed at the appropriate locations.
 - g. Ensure that all handrails are secure, in good repair, and meet requirements of other relevant legislation.
 - h. Ensure that all stair materials are secure, in good repair, and meet requirements of other relevant legislation.
 - i. Ensure that gas utility is supplied. Ensure the furnace system is assessed by a qualified professional for good working condition.
 - j. Ensure that electrical utility is supplied. Ensure the electrical systems are assessed by a qualified professional for proper installation, good repair, and safe working condition.
 - k. Ensure that outlets, switches, lightbulbs are installed so that they are in good working condition. Ensure any exposed electrical wiring is repaired so that it is in safe condition. Install cover plates for switches, outlets, and light fixtures.
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, October 23, 2023

Confirmation of a verbal order issued to Deo Dat Jaipaul on October 26, 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
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>

Template revised October 13, 2022

Copy: Town of Ponoka