

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

To: Robert DeWinter
"the Owner"

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

RE: Those housing premises located in Wainwright, Alberta and municipally described as:
730 7th 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. The house and property have grossly unsanitary conditions, including an accumulation of garbage, filth, and human excrement;
- b. The premises lacks any functional smoke alarms, and there is an accumulation of household items, and garbage creating a fire hazard;
- c. The premises is not supplied with running water for consumption or sanitary purposes;
- d. The sewer system is backed up and the toilet is not functional, resulting in the occupants defecating outside in the yard.

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 property is in an unsanitary condition including an accumulation of garbage, filth, and human excrement. This is in contravention of Section 16 of the Minimum Housing and Health Standards 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."
- b. Functional smoke alarms are not present in the house. This condition is in contravention of Section 12 (a) 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."

- c. The premises is not supplied with running water. This is in contravention of Section 3(1)(b)(iii) of the Housing Regulation which states: “an owner shall ensure that (b) the occupants of the housing premises are supplied with adequate (iii) running hot and cold water that is safe for human consumption.”
- d. The sewer system is backed up, and the toilet is not functional. This is in contravention of Section 6 (c) of the 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. (c) All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.”
- e. The house is poorly maintained with the floor, wall and ceiling surfaces in disrepair. This is in contravention of Section 3 of the Housing Regulation which states: “3(1) Subject to subsection (3) and section 4, an owner shall ensure that (a) the housing premises are (iii) in good repair.”

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 October 8, 2020.
2. That the Owner undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Ensure the house and property are maintained in a clean and sanitary condition.
 - b. Install functional smoke alarms in the common area near the bedrooms.
 - c. Supply the house with hot and cold running water that is safe for human consumption. Provide recent satisfactory bacteriological and chemical lab results to demonstrate this.
 - d. Repair the sewer system so that it functions properly, and provide a report from a qualified private septic installer to demonstrate this.
 - e. Repair or replace damaged floor, wall, and ceiling surfaces.
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 Wainwright, Alberta, September 24, 2020.

Confirmation of a verbal order issued to Alfred Dallen on September 23, 2020

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 Alberta Health Services at 780-342-0122 or by contacting the Public Health Appeal Board.

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.

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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 Feb 20, 2020

Copy: Town of Wainwright, Wainwright RCMP