

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

To: Luisa And Vanessa Potestio
"the Owner"

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

RE: Those housing premises located in Edmonton, Alberta and municipally described as:
10193 92 Street NW
(Lot 24, Block 1, Plan RN37)

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. There were multiple window panes broken or missing throughout the premises.
- b. There were multiple window screens missing throughout the premises.
- c. There were multiple drywalls surfaces throughout the premises that were in disrepair or constructed of an unfinished material.
- d. There was drug paraphernalia (used needles) observed throughout the premises.
- e. The premise was not supplied with power.
- f. The southwest bedroom window was screwed shut and was not openable.
- g. The bedroom door had detached from its hinges.
- h. There were wires protruding out of the ceiling of the southwest bedroom closet.
- i. There were multiple electrical plate covers missing throughout the premises.
- j. The bathroom window sill was in disrepair. The surface covering had lifted and detached.
- k. The bathroom hand-sink plumbing was in disrepair. It had poor drainage.
- l. The bathroom hand-sink caulking had lifted and detached.
- m. The bathroom bathtub caulking had lifted and detached.
- n. The floor covering (hardwood and linoleum) throughout the premises had lifted and detached.
- o. There was evidence of water damage and water staining on the ceiling of the southwest bedroom.
- p. The southeast window was single panned.
- q. The southeast bedroom window was screwed shut and was not openable.
- r. There were no smoke alarms installed throughout the premises.
- s. The handrail installed on the stairs leading to the second floor height was too low. It was measured at 18 inches.

- t. The second floor guard height (located at the top of the stairs) was too low. It was measured at 32 inches.
- u. There was inadequate head clearance on the second floor (loft area) of the premises. The ceiling height ranged from 33 inches to 73 inches.
- v. There was inadequate head clearance at the entrance to the second floor bedroom. The ceiling height ranged from 61 inches to 71 inches.
- w. The second floor bedroom window was single pane.
- x. The kitchen counter backsplash had lifted and detached.
- y. The kitchen faucet was leaking.
- z. The kitchen counter edge had lifted and detached.
- aa. The oven door exterior glass pane was broken.
- bb. The main entrance door lock was not operational and could not be secured.
- cc. The rear entrance door lock was not operational and could not be secured.
- dd. The rear entrance was not adequately weatherproofed.
- ee. There was no handrail installed on the stairs leading to the basement.
- ff. There were no guards installed on the stairs leading to the basement.
- gg. The hot water tank in the basement was leaking.
- hh. There was evidence of water infiltration into the basement of the premises. There was water pooling on floor of the basement.
- ii. The HVAC ducting in the basement was in disrepair. The ducting was no longer connected and potentially asbestos containing tape had lifted and detached.
- jj. There were wires protruding out of the ceiling of the rear sunroom.
- kk. There was evidence of individuals using the garage for sleeping accommodation.
- ll. There were multiple windows throughout the premises that were unable to be secured once closed.

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. Items (a,w and p) are in contravention of section III(2)(b)(ii) of the Minimum Housing and Health Standards which states that: In housing premises intended for use during the winter months, windows in habitable rooms shall protect against cold weather through the provision of a storm sash, double glazing, or other durable thermal/air resistant barrier as may be approved by the Executive Officer.
- b. Item (b) is in contravention of section III(2)(b)(iii) of the Minimum Housing and Health Standards which states that: During the portion of the year when there is a need for protection against flies and other flying insects, every window or other device intended for ventilation shall be supplied with effective screens.
- c. Items (a,g,o,aa and ii) are in contravention of section III(1)(c) of the Minimum Housing and Health Standards which states that: Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- d. Items (c and n) are in contravention of section III(5) of the Minimum Housing and Health Standards which states that: All walls, windows, ceilings, floors, and floor coverings shall be

maintained in good repair, free of cracks, holes, loose or lifting coverings and in a condition that renders it easy to clean.

- e. Item (dd) is in contravention of section III(2)(a) of the Minimum Housing and Health Standards which states that: The roof and exterior cladding of walls shall be maintained in a waterproof, windproof and weatherproof condition.
- f. Items (e,h,i and jj) are in contravention of section IV(11) of the Minimum Housing and Health Standards which states that: 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.
- g. Items (j,l and m) are in contravention of section III(5)(a) of the Minimum Housing and Health Standards which states that: Rooms containing a flush toilet and/or a bathtub or shower shall have walls and floors that are smooth, non-absorbent to moisture and easy to clean. All walls shall form a watertight joint with each other, the floor, the ceiling and where applicable with the bathtub or shower.
- h. Items (k,y and gg) are in contravention of section IV(6)(c) of the Minimum Housing and Health Standards which states that: All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.
- i. Item (r) is in contravention of section IV(12)(a) of the Minimum Housing and Health Standards which states that: Smoke alarms shall be operational and in good repair at all times.
- j. Items (bb, cc and ll) are in contravention of section III(3)(a) of the Minimum Housing and Health Standards which states that: Exterior windows and doors shall be capable of being secured.
- k. Items (f and q) are in contravention of section III(3)(b)(i) of the Minimum Housing and Health Standards which states that: Windows referred to above shall provide unobstructed openings with areas not less than 0.35 m² (3.8ft²), with no dimension less than 380 mm (15”).
- l. Items (s,t,ee and ff) are in contravention of section III(3)(c) of the Minimum Housing and Health Standards which states that: Inside or outside stairs or porches including all treads, risers, supporting structural members, rails, 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.
- m. Items (x and z) are in contravention of section III(5)(b) of the Minimum Housing and Health Standards which states that: Rooms and sections of rooms that are used for food preparation and cooking shall have walls and floors constructed of materials which do not provide harbourage to dirt, grease, vermin and bacteria and that are easily kept clean.
- n. Item (hh) is in contravention of section III(1)(a,b) of the Minimum Housing and Health Standards which states that: the housing premises shall be structurally sound, and; basements, cellars or crawl spaces shall be structurally sound, and maintained in good repair and free from water infiltration and accumulation.
- o. Items (d, u, v and kk) are in contravention of section 5(2) of the Housing Regulation which states no person shall create, commit or maintain a nuisance by creating, committing or maintaining a condition that is or might become injurious or dangerous to the public health or that might hinder in any manner the prevention or suppression of disease.

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 31, 2017.

2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Prior to performing any invasive repairs, retain the services of an Environmental Consultant or Industrial/Occupational Health Hygienist. The hired consultant must assess the conditions within the above noted premises including performing applicable sampling for asbestos containing materials. An Environmental Hazard Assessment as detailed in the Alberta Asbestos Abatement Manual must be completed. In the event asbestos is present provide Environmental Public Health with a written asbestos management/abatement plan in accordance with the Alberta Asbestos Abatement Manual.

You must retain the services of an **Environmental Consultant or Industrial/Occupational Health Hygienist, which must be approved by Alberta Health Services and prior to the commencement of invasive renovation or repairs:**

 - (i) As this home was built prior to 1990, the presence of asbestos within building materials is likely thus all precautions must be taken. The consultant *must* assess the conditions within the above noted premises including performing applicable sampling for asbestos containing materials.
 - (ii) In the event asbestos is present provide Environmental Public Health with a written asbestos management/abatement plan in accordance with the Alberta Occupational Health and Safety Code for Asbestos abatement. Ensure proper removal/handling of impacted materials follow current codes and standards.
 - (iii) Then the environmental consultant will assess the conditions within the above noted premises for all water damaged materials and mould for the entire premises: to include the attic, wall and floor cavities, and crawlspaces. A full pre mould remediation inspection report is required. At a minimum the report must describe the building construction, finishes, materials and components and recommendations for restoration. All hazardous building materials are to be properly managed and disposed of in accordance with government standards and guidelines and industry codes of practice. Once the materials have been removed and a post mould remediation report is required this will include photographic evidence that all mouldy material has been removed and environmental air quality sampling. **Testing and reporting shall follow the requirements outlined in Alberta Health Services' Fungal Air Testing Protocol.**
 - b. Repair or replace the locking mechanism on both the main and rear entrance into the premises. Ensure all exterior windows and doors are capable of being secured. **The property is required to be secured at all times preventing access to the public while vacant.**
 - c. Install missing window screens on all exterior windows. Ensure all exterior windows or other devices that are intended for ventilation are supplied with effective screens.
 - d. Repair all unfinished flooring and wall surfaces so they are in good repair and constructed of a finished material. Ensure all walls, windows, ceilings, floors, and floor coverings are maintained in good repair, free of cracks, holes, loose or lifting coverings and in a condition that renders it

easy to clean. Rooms that contain a flush toilet and bathtub or shower must have walls that are form a watertight joint with each other, the floor, the ceiling and where applicable with the bathtub or shower. Rooms and sections of rooms that are used for food preparation and cooking shall have walls and floors constructed of materials which do not provide harbourage to dirt , grease, vermin and bacteria and that are easily kept clean.

- e. Adequately weatherproof the rear entrance. Ensure that the roof and exterior cladding of walls are maintained in a waterproof, windproof and weatherproof condition.
- f. Reconnect the premises with utility services. Ensure the premises is continually supplied with electrical services.
- g. Install electrical plate covers on all missing outlets throughout the premises and safely cap off all electrical wires that are no longer required. Ensure all outlets, switches and fixtures are properly installed and are maintained in a good and safe working condition.
- h. Remove and replace all damaged building material. Ensure all building materials that have been damaged or show evidence of rot or other deterioration are repaired or replaced.
- i. Repair the noted plumbing concerns including the bathroom handsink, the kitchen faucet and the basement hot water tank. Ensure all plumbing fixtures are serviceable, free from leaks, trapped and vented to the outside.
- j. Install an operational smoke alarm on both the main floor and second floor of the premises adjacent to the bedrooms. Ensure all smoke alarms are operational and in good repair at all times.
- k. Repair or replace the locking mechanism on the exterior window. Ensure all exterior windows and doors are capable of being secured.
- l. Ensure all bedroom windows have an unobstructed open-able that complies with emergency egress requirements. Egress windows are required to provide an unobstructed openings with areas not less than 0.35 m² (3.8ft²), with no dimension less than 380 mm (15”).
- m. Have a licensed qualified Heating and Ventilation technician inspection the heating and ventilation system. A full inspection report outlining the inspection was done and all the required work was completed must be provided to this office.
- n. Install handrails and guards that comply with Alberta Building Code on the basement stairs and on the stairs leading to the second floor. Ensure all inside or outside stairs or porches including all treads, risers, supporting structural members, rails, guards and balconies, are maintained in good repair and comply with the requirements of the Alberta Building Code or a Professional Engineer design.
- o. Ensure the housing premises is structurally sound, and; basements, cellars or crawl spaces are structurally sound, and maintained in good repair and free from water infiltration and accumulation.
- p. Safely remove and dispose of any drug paraphernalia present throughout the premises.
- q. Ensure all habitable living areas have a head clearance of at least 72 inches.
- r. Take any further steps in the interests of preserving and maintaining the health of any person who may, in the future, occupy the above noted premises as may be required by the Executive 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 Edmonton, Alberta, August 14, 2017

Confirmation of a verbal order issued to Mario Potestio on July 24, 2017.

_____ (Original Signed) _____

Alaa (Al) Farhat, CPHI(C)
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, Telus Plaza North Tower
10025 Jasper Avenue NW
Edmonton, Alberta, T5J 1S6
Phone: 780-222-5186
Fax: 780-422-0914
Email: HealthAppealBoard@gov.ab.ca
Website: <http://www.health.alberta.ca/about/PHAB.html>

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.

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: www.health.alberta.ca/about/health-legislation.html

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Suite 700, 10055 106 Street NW, Edmonton, Alberta, Canada T5J 2Y2

www.albertahealthservices.ca/eph.asp