

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

To: Joe Milite,
Edmonton, Alberta

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

RE: Plan 3875P; Block 96; Lot 2
10310 - 138 Street, Edmonton, Alberta

WHEREAS I, an **Executive Officer** of **Alberta Health Services**, have inspected the above 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 the prevention or suppression of disease, namely:

1. There was water infiltration and water staining on the ceiling of the living room, this is indicative of water infiltration into the home, which could cause mould growth and create health issues for occupants.
2. There was water staining and water damage to the ceiling and east wall of the main floor office, which could cause mould growth and create health issues for occupants.
3. The east and south basement perimeter finished walls were wet indicative of water infiltration through foundation walls, which could cause mould growth and create health issues for occupants.
4. The carpet and underlay on the east and south area of the basement was wet with a strong musty odour from water infiltration at foundation walls and indicative of mould growth.
5. The ceiling in the basement spare bedroom was missing ceiling tiles and was in disrepair, which is a safety issue for anyone using that bedroom.
6. There were large foundation cracks and evidence of water infiltration in the basement storage room, which could allow for mould growth and further water infiltration into the premise.
7. The floor register cover was missing from the front foyer air vent, which is a potential tripping hazard.

8. The north upstairs bedroom window crank handle was missing, which obstructs egress in an emergency situation.
9. There is no window screen for the north upstairs bedroom window, to prevent the entrance of flying insects.
10. The walls in the stairwell between the main floor and upstairs were cracked, had holes, were not easy to clean, and showed evidence of water damage, which could cause mould growth and create health issues for occupants.
11. The southwest upstairs bedroom window does not hold up on its own, impeding emergency egress, which is a hazard in emergency situations.
12. Mould growth on the carpeted floor in the closet of the southwest bedroom and create health issues for occupants.
13. The walls and baseboards along the closet of the southwest bedroom were water damaged, which could cause mould growth and create health issues for occupants.
14. The handrails on either side of the exterior front steps were loose, which is a potential safety issue.
15. There was no handrail in the stairwell between the basement and the main floor, which is a potential safety issue.
16. Numerous wood planks on the exterior front steps showed evidence of deterioration and rot, which is a potential safety issue.
17. The handrails on either side of the front steps had gaps between the spindles of 5.5", which is a potential safety hazard.
18. The eavestrough gutters were deformed away from the structure, not attached to down spouts, and in general disrepair, which could allow for water infiltration into the premise.
19. A cracked window pane was observed in the northeast upstairs bedroom, which prevents them from being weatherproof and maintaining a comfortable indoor climate.
20. A cracked window pane was observed in the north basement bedroom, which prevents them from being weatherproof and maintaining a comfortable indoor climate.
21. A cracked window pane was observed in the living room, which prevents them from being weatherproof and maintaining a comfortable indoor climate.

AND WHEREAS such inspection disclosed that the following breaches of the Public Health Act and the Regulations there under exist in and about the above noted premises, namely:

1. Housing Regulation 173/99 s.4
There was water infiltration and water staining on the ceiling of the living room, this is indicative of water infiltration into the home, which could cause mould growth, which is

- 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. Mould growth is a potential health hazard which is in contravention of Part 1, section 2(1) which states that no person shall create, commit or maintain a nuisance, and 2(2)(a) which states that without limiting the generality of subsection (1), a person who creates, commits or maintains (a) any premises in 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 is deemed to have created, committed or maintained a nuisance.
2. **Housing Regulation 173/99 s.4**
There was water staining and damage to the ceiling and east wall of the main floor office, which could cause mould growth. This is 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. Mould growth is a potential health hazard which is in contravention of Part 1, section 2(1) which states that no person shall create, commit or maintain a nuisance, and 2(2)(a) which states that without limiting the generality of subsection (1), a person who creates, commits or maintains (a) any premises in 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 is deemed to have created, committed or maintained a nuisance.
 3. **Nuisance and General Sanitation Regulation 243/2003 s.2**
The east and south basement perimeter finished walls were wet indicative of water infiltration through foundation walls, which could cause mould growth and create health issues for occupants. Mould growth is a potential health hazard which is in contravention of Part 1, section 2(1) which states that no person shall create, commit or maintain a nuisance, and 2(2)(a) which states that without limiting the generality of subsection (1), a person who creates, commits or maintains (a) any premises in 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 is deemed to have created, committed or maintained a nuisance.
 4. **Nuisance and General Sanitation Regulation 243/2003 s.2**
The carpet and underlay on the east and south area of the basement showed evidence of moisture and water infiltration, which could cause mould growth. Mould growth is a potential health hazard which is in contravention of Part 1, section 2(1) which states that no person shall create, commit or maintain a nuisance, and 2(2)(a) which states that without limiting the generality of subsection (1), a person who creates, commits or maintains (a) any premises in 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 is deemed to have created, committed or maintained a nuisance.
 5. **Housing Regulation 173/99 s.4**
The ceiling in the basement spare bedroom was missing ceiling tiles and was in disrepair, which is a safety issue for anyone using that bedroom. which is a 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.

6. Housing Regulation 173/99 s.4
There were foundation cracks and evidence of water infiltration and in the basement storage room, which could allow for mould growth and further water infiltration into the premise, which 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.
7. Housing Regulation 173/99 s.4
The floor register cover was missing from the front foyer air vent, which is a potential tripping hazard, which is a contravention of section III of the Minimum Housing and Health Standards which states that: The owner shall ensure that the housing premises is structurally sound, in a safe condition, in good repair, and maintained in a waterproof, windproof and weatherproof condition.
8. Housing Regulation 173/99 s.4
The north upstairs bedroom did not have emergency egress because the window crank handle was missing, which is a hazard in an emergency situation, which is a 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”).
9. Housing Regulation 173/99 s.4
There is no window screen for the north upstairs bedroom window, to prevent the entrance of flying insects, which is a 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.
10. Housing Regulation 173/99 s.4
The walls in the stairwell between the main floor and upstairs were cracked, had holes, were not easy to clean, and showed evidence of water damage, which could cause mould growth, which is a 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. Mould growth is a potential health hazard which is in contravention of Part 1, section 2(1) which states that no person shall create, commit or maintain a nuisance, and 2(2)(a) which states that without limiting the generality of subsection (1), a person who creates, commits or maintains (a) any premises in 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 is deemed to have created, committed or maintained a nuisance.
11. Housing Regulation 173/99 s.4
The southwest upstairs bedroom window does not hold up on its own, impeding emergency egress, which is a hazard in emergency situations, which is 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”).

12. Nuisance and General Sanitation Regulation 243/2003 s.2
Mould growth was seen on the carpeted floor in the closet of the southwest bedroom, this is a potential health hazard, which is in contravention of Part 1, section 2(1) which states that no person shall create, commit or maintain a nuisance, and 2(2)(a) which states that without limiting the generality of subsection (1), a person who creates, commits or maintains (a) any premises in 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 is deemed to have created, committed or maintained a nuisance.
13. Nuisance and General Sanitation Regulation 243/2003 s.2
The walls and baseboards along the closet of the southwest bedroom showed evidence of water infiltration and water damage, which could cause mould growth, Mould growth is a potential health hazard which is in contravention of Part 1, section 2(1) which states that no person shall create, commit or maintain a nuisance, and 2(2)(a) which states that without limiting the generality of subsection (1), a person who creates, commits or maintains (a) any premises in 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 is deemed to have created, committed or maintained a nuisance.
14. Housing Regulation 173/99 s.4
The handrails on either side of the exterior front steps were loose, which is a potential safety issue, which is a 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.
15. Housing Regulation 173/99 s.4
There was no handrail in the stairwell between the basement and the main floor, which is a 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.
16. Housing Regulation 173/99 s.4
Numerous wood planks on the exterior front steps showed evidence of deterioration and rot, which is a potential safety issue, which is a 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.
17. Housing Regulation 173/99 s.4
The handrails on either side of the front steps had gaps between the spindles of 5.5", which is a potential safety hazard, which is 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.
18. Housing Regulation 173/99 s.4

The eavestrough gutters were deformed away from the structure, not attached to down spouts, and in general disrepair, which could allow for water infiltration into the premise, which is a contravention of section III of the Minimum Housing and Health Standards which states that: The owner shall ensure that the housing premises is structurally sound, in a safe condition, in good repair, and maintained in a waterproof, windproof and weatherproof condition.

19. Housing Regulation 173/99 s.4
A cracked window pane was observed in the northeast upstairs bedroom, which prevents them from being weatherproof and maintaining a comfortable indoor climate, which is a contravention of section III(2)(b)(i) of the Minimum Housing and Health Standards which states that: All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof.
20. Housing Regulation 173/99 s.4
A cracked window pane was observed in the north basement bedroom, which prevents them from being weatherproof and maintaining a comfortable indoor climate, which is a contravention of section III(2)(b)(i) of the Minimum Housing and Health Standards which states that: All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof.
21. Housing Regulation 173/99 s.4
A cracked window pane was observed in the living room, which prevents them from being weatherproof and maintaining a comfortable indoor climate, which is a contravention of section III(2)(b)(i) of the Minimum Housing and Health Standards which states that: All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof.

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 **25 July 2011**
2. That the owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. 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.
 - b. Contract the services of an experienced foundation contractor to assess and repair the foundation.
 - c. Ensure all rooms being used for the purposes of sleeping have unobstructed opening with areas not less than 0.35m² (3.8ft² or 547 inches²), with no dimension less than 380 mm (15”). All egress windows must open directly to the outside and must be able to stay open once opened.

- d. Investigate the cause of the water infiltration and ensure all plumbing fixtures are serviceable and free from leaks trapped, vented to the outside and are in accordance with the Alberta Building Code.
- e. Ensure all openable windows are provided with insect screens and that the insect screens are in good condition
- f. Ensure that all windows are free from cracks, weatherproof, and maintained in good repair.
- g. Ensure that the eavestroughs are maintained in good repair and do not allow for water infiltration into the premise.
- h. Ensure all building material that show signs of deterioration and rot are repaired or replaced.
- i. The front steps must either be repaired or replaced
- j. Ensure that the guardrails on the front steps are maintained in good repair and comply with the requirements of the Alberta Building Code or a Professional Engineer design.
- k. Conduct building assessment and remediation under consultation with an environmental consultant and/or hiring an Environmental Consultant or Industrial/Occupational Health Consultant. Documentation of all remediation work must be provided by the qualified consultant and a copy must be provided to this office.

Where water damage has occurred, the area(s) must be assessed to determine the extent of damage and mould contamination. This assessment must include insulation and any other absorbent material in wall and ceiling cavities, including the attic. All mouldy material must be removed and the area cleaned and dried before repairs and refinishing are completed.

Where mould growth is extensive, mould remediation must be consistent with procedures in these or similar documents:

- Mould Remediation in Schools and Commercial Buildings (EPA, 2001)
- Guidelines on Assessment and Remediation of Fungi in Indoor Environments (New York City Department of Health, 2002)
- Mould Guidelines for the Canadian Construction Agency (CCA, 2004)
- Mould in Indoor Environments Risk Assessment and Management Program Handbook (Alberta Research Council / Alberta Infrastructure and Transportation 2006)

2. 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, 08 July 2011

_____(Original Signed)_____
Peter Dushenski, B.Sc., BEH, CPHI(C)
Executive Officer
Environmental Health Officer

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 within ten (10) days after receiving the order to the Public Health Appeal Board located at 24th Floor, Telus Plaza, 10025 - Jasper Avenue, Edmonton, Alberta, T5J 1S6. Telephone (780) 427-2813.

The terms of this Order remain in effect notwithstanding the filing or proposed filing of any such appeal. If you appeal, you may also make an application to the Board for a stay of this Order pending the appeal.

A copy of the Public Health Appeal form may be obtained by contacting Alberta Health Services at (780) 342-0122, or the Public Health Appeal Board (780) 427-2813.

You are advised that all orders remain in effect pending such an appeal

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 & Wellness at (780) 427-4518, or by visiting: www.health.alberta.ca/about/health-legislation.html