

**ORDER OF AN EXECUTIVE OFFICER
CLOSED FOR TENANT ACCOMMODATION PURPOSES
ORDER TO VACATE**

To: Dustin P Bateyko
"the Owner"

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

RE: Those housing premises located in Edmonton, Alberta and municipally described as:
**10460 147 Street NW
Lot 7, Block 9, Plan 1131HW**

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:

Common Area

- a. The premises was infested with mice.
- b. The front porch guard height was measured to be 31 inches.
- c. The front porch left guard was loose.
- d. The front porch left guard spindle spacing was 5 inches.
- e. The front yard guard spindle spacing ranged between 5 and 8 inches.
- f. The rear deck guard had multiple spindles missing.
- g. The rear deck stairs had no guards installed.
- h. The rear deck stairs had no handrail installed.
- i. There were multiple window screens throughout the premises that were either damaged or missing.

Main floor

- j. The east bedroom left and right windows were measured to have an opening of 11.5 inches by 29.5 inches. This would prevent egress during an emergency.
- k. The east bedroom left window lock was not operational.
- l. The east bedroom right window crank was broken, difficult to close.
- m. The east bedroom door was in disrepair, hinges were loose.
- n. The smoke alarm was not installed in the common shared bedroom hallway.
- o. The west bedroom was screwed shut and measured to have an opening of 11.5 inches by 29.5 inches. This would prevent egress during an emergency.
- p. The west bedroom fixed window unit was broken.
- q. The bathroom window could not be opened, window crank was broken.
- r. The bathroom windowpane was broken.
- s. The bathroom toilet was loose and not secured to its base.

- t. The bathroom hand sink faucet had a poor water pressure.
- u. The bathroom entrance transition strip had lifted and detached.
- v. The bathroom floor covering had separated and lifted.
- w. The main entrance requires weatherproofing.
- x. The living room north window crank was broken, difficult to close.
- y. The living room left window lock was not operational.
- z. The kitchen counter edge had lifted and detached.
- aa. The kitchen counter caulking had lifted and detached.
- bb. The stove bottom right burner was not operational.
- cc. The kitchen window crank was broken.

Basement

- dd. The window in the side door leading to the basement was single panned.
- ee. The window in the side door leading to the basement was broken.
- ff. The basement bedroom window could not be opened, approximate openable area was measured to be 12 inches by 32 inches. This would prevent egress during an emergency.
- gg. The basement bathroom did not have mechanical or natural ventilation.
- hh. The bathroom hand sink counter was no longer secured.
- ii. The laundry room window had multiple broken windowpanes.

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 (l, m, s, x, cc and hh) were 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.
- b. Items (p, r, w, ee and ii) were in 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.
- c. Item (dd) was 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.
- d. Item (i) was 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.
- e. Items (k and y) were 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.
- f. Items (j, o and ff) were in contravention of section III (3)(b)(ii) of the Minimum Housing and Health Standards which states that: Windows referred to in section 3(b)(i) shall provide unobstructed openings with areas not less than 0.35 m² (3.8ft²), with no dimension less than 380 mm (15”).

- g. Items (b, c, d, e, f, g and h) were 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.
- h. Items (u and v) were 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.
- i. Items (z and aa) were 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.
- j. Items (q and gg) were in contravention of section IV(7)(c) of the Minimum Housing and Health Standards which states that: All rooms containing a flush toilet and/or bathtub or shower shall be provided with natural or mechanical ventilation.
- k. Item (t) was in contravention of section IV(9) of the Minimum Housing and Health Standards which states that: Every building used in whole or in part, as housing premises shall be supplied with a potable water supply of sufficient volume, pressure and temperature to serve the needs of the inhabitants.
- l. Item (n) was in contravention of section IV(12) of the Minimum Housing and Health Standards which states that: 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.
- m. Item (bb) was in contravention of section IV(14)(a)(i) of the Minimum Housing and Health Standards which states that: Every housing premises shall be provided with a food preparation area, which includes: a stove and a refrigerator that are maintained in a safe and proper operating condition. The refrigerator shall be capable of maintaining a temperature of 4 degrees C.
- n. Item (a) was in contravention of section V(16)(a) of the Minimum Housing and Health Standards which states that: The owner shall ensure that the housing premises are free of insect and rodent infestations.

AND WHEREAS, by virtue of the foregoing, the above noted premises are hereby declared to be **Closed for Tenant Accommodation Purposes**.

NOW THEREFORE, I hereby **ORDER** and **DIRECT**:

1. That the occupants vacate the above noted premises on or before May 15, 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. Hire a certified pest control operator to treat the premises for mice. Ensure the premises is free from insect and rodent infestation. All pest control treatment

- reports are to be submitted to Alberta Health Services Environmental Public Health for review.
- b. Ensure the following rail, handrail and guards are maintained in good repair and comply with the requirements outlined in the Alberta Building Code:
 - i. The front porch guard height.
 - ii. The front porch left guard.
 - iii. The front porch guard spindles.
 - iv. The front yard guard spindles.
 - v. The rear deck guard spindles.
 - vi. The rear deck stairs missing guards.
 - vii. The rear deck stairs missing handrail.
 - c. Repair or replace missing or damage window screens. Ensure all openable windows are supplied with window screens, fitted to the opening and are maintained in good repair.
 - d. Ensure all bedroom windows listed below are provided with an unobstructed opening and an areas not less than 0.35 m² (3.8ft²), with no dimension less than 380 mm (15").
 - i. The main floor east bedroom.
 - ii. The main floor west bedroom.
 - iii. The basement bedroom.
 - e. Ensure all exterior windows and doors are capable of being secured. All locks are to be always maintained in good repair.
 - f. Install a smoke alarm in the shared hallway between two main floor bedrooms.
 - g. Ensure all windows and exterior doors are maintained in good repair, free of cracks, double paned and weatherproof.
 - h. Ensure the below bathrooms are supplied with either a mechanical or natural ventilation.
 - i. The main floor bathroom.
 - ii. The basement bathroom.
 - i. 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.
 - j. Repair or replace the main floor toilet. Ensure the toilet is secured and in good repair.
 - k. Repair or replace the stove bottom right burner.
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 closed for tenant accommodation purposes.

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, April 17, 2023.

Confirmation of a verbal order issued to Dustin Bateyko on April 17, 2023.

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 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>

Order of an Executive Officer – Closed for Tenant Accommodation – Order to Vacate

RE: The premises located in Edmonton, Alberta and municipally described as: 10460 147 Street NW (Lot 7, Block 9, Plan 1131HW)

Page 6 of 6

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

<https://www.ahs.ca/eph>