

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

**To:** Deena Gestetner  
Kevin Gestetner

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

**RE:** 10514 – 136 Street

**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 west bedroom egress window was obstructed by an exterior awning shade; the window could not be fully opened.
- b. Several foundation cracks were notable from the crawl space area.
- c. There was no handrail available along the first flight of stairs leading to the second storey.
- d. Several tiles on the bathtub surround were loose and lifted.
- e. There as no source of ventilation in the bathroom because the window was sealed shut and the crank mechanism was broken off.

**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. Housing Regulation 173/99 s.4  
The obstructed window in the master bedroom does not allow for secondary emergency egress 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 m<sup>2</sup> (3.8ft<sup>2</sup>), with no dimension less than 380 mm (15”).

- b. Housing Regulation 173/99 s.4  
The cracks in the foundation are 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.
- c. Housing Regulation 173/99 s.4  
The missing handrail along the stairway leading to the second storey 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.
- d. Housing Regulation 173/99 s.4  
The loose and lifted tiles on the bathtub surround is a 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.
- e. Housing Regulation 173/99 s.4  
The lack of ventilation in the bathroom is a 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.

**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 February 1 2015
- 2. That the owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
  - a. Conduct repairs so that the west bedroom window is not obstructed and can be fully opened for emergency egress; the window must provide an unobstructed opening of not less than 0.35 m<sup>2</sup> ( 3.8ft<sup>2</sup>)
  - b. You are requested to retain the services of a Professional Engineer, registered in the Province of Alberta. The Engineer must provide a structural certification report to you and to this office.  
The report shall:
    - (a) Provide the Engineer's professional opinion on the structural integrity of the entire building, with specific comment on the individual components thereof (including the foundation, support structure, ceilings, floors, and roof) and whether the building is safe for occupancy.

- (b) Be affixed with the Engineer's signature and professional seal.
  - (c) Be accompanied by a detailed design repair method, complete with drawings or plans and be affixed with the Engineer's signature and professional seal.
  - (d) If the Engineer's Report identifies required repairs in accordance with item (c) above you must provide a written construction schedule outlining the start and completion date for each item identified in the Engineer's design repair method.
- c. Install a handrail along the stairway leading to the second storey In accordance with the Alberta Building Code
  - d. Remove the lifted bathtub surround tile, examine the wall behind and remove and water damaged materials. Replace the surround so that it is water tight, smooth, non absorbent and easy to clean.
  - e. Repair the bathroom window so it can be opened for ventilation, or install a mechanical fan.
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, January 27 2015

Confirmation of a verbal order issued to Kevin Gestetner via phone message on January 26 2015.

\_\_\_\_\_(Original Signed)\_\_\_\_\_  
Sylvia Kuncewicz, BSc, BEH (AD), CIPHI (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 Reception, Main Floor, Telus Plaza, 10025 Jasper Avenue, Edmonton, Alberta, T5J 1S6, Telephone 780-427-2813 Fax 780-422-0914.

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](http://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](http://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](http://www.health.alberta.ca/about/health-legislation.html)*