

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

To: 1356472 Alberta Ltd.,
Sid Tarrabain,
HMH Enterprises Ltd.,
Paige Tervonen,
Don Perra,
Eugene Chalifoux

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

RE: Plan NB; Block 5; Lot 128
10516-Jasper Avenue Edmonton, AB

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:

- a. Poor maintenance of heating facilities and gas appliances
- b. Non-continuous provision of heat and other utilities
- c. Poor maintenance of building.
- d. Bedbug infestation.
- e. Mouse infestation.
- f. Improper use of pesticide products.

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:

Housing Regulation 173/99 s.4

- a. No heat was provided which is in contravention of section 8 (d) of the Minimum Housing and Health Standards which states that: every owner of housing premises shall ensure a continuous supply of electricity, water and heat unless the rental agreement stipulates that such utility services are the sole responsibility of the occupant.
- b. No power was provided which is in contravention of section 8 (d) of the Minimum Housing and Health Standards which states that: every owner of housing premises shall ensure a continuous supply of electricity, water and heat unless the rental agreement stipulates that such utility services are the sole responsibility of the occupant.

- c. No water was provided which is in contraction of section 8 (d) of the Minimum Housing and Health Standards which states that: every owner of a housing premises shall ensure a continuous supply of electricity, water and heat unless the rental agreement stipulates that such utility services are the sole responsibility of the occupant.
- d. Increase of CO levels were detected by the Fire Department due to boiler disrepair and insufficient combustion air which is in contravention of section 8 (a) of the Minimum Housing and Health Standards which states that: all heating facilities within a housing premises are to be properly installed and maintained in good working condition.
- e. Bedbug infestation noted within the premises which is in contravention of section 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.
- f. Mouse infestation noted within the premises which is in contravention of section 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
- g. The building was poorly maintained which is in contravention of section 16 of the Minimum Housing and Health Standards which states that: 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.
- h. Pesticides were used by the caretaker and provided to the occupants for use against bedbugs without stipulation on the label effective for bedbugs which is in contravention of section 16 (a) of the Minimum Housing and Health Standards which states that: all situation requiring the application of pesticides of shall be conducted in accordance with the Environmental Protection and Enhancement Act and regulation.

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 immediately.
2. That the owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Retain a heating contractor to assess and conduct all repairs to the boiler system so that it is in good repair.
 - b. Restore all utilities including heat, water and power to the premises.
 - c. Retain a certified pest control operator to identify the extent of the bedbug infestation and treat the building accordingly and on an on-going basis to eradicate the infestation
 - d. Retain a certified pest control operator to identify the extent of the mouse infestation and treat the building accordingly and on an on-going basis to eradicate the infestation.
 - e. Ensure that the premises is made to comply with the Minimum Housing and Health Standards of the Housing Regulation under the Public Health Act. Compliance with these standards and regulations is also a requirement under the Residential Tenancies Act. Any building upgrades may be subject to municipality planning and development department reviews and the procuring of proper permits.

- f. Ensure that the premises is in compliance with the Nuisance and General Sanitation Regulation under the Public Health Act. Be advised that any building upgrades may be subject to municipality planning and development department reviews and the procuring of proper permits.
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, **March 22, 2011**

_____(Original Signed)_____
Christina Schmitke, 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