

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

To: 1525608 ALBERTA LTD.
"the Owner"

And

LUI HOLDINGS CORPORATION
"the Owner"

And

ED CHONG
"the Owner"

And

DAVIN CHONG
"the Owner"

And

BEN LUI
"the Owner"

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

RE: Those housing premises located in Edmonton, Alberta and municipally described as:
**10540 97 Street NW – Top Floor
(Lot 9, Block 9, Plan NA)**

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 southeast bedroom window was a fixed picture window and was unable to open to allow for egress during an emergency.
- b. The southeast bedroom baseboards by the closet showed evidence of water damage.
- c. The south center bedroom had no window installed for emergency egress and there was no door leading directly to the exterior of the premises.

- d. The southwest bedroom had no window installed for emergency egress and there was no door leading directly to the exterior of the premises.
- e. The smoke alarm was not operational.
- f. The lock on the rear entrance door by the laundry area was not operational.
- g. The rear entrance door by the laundry could not be closed completely and was adequately weatherproofed.
- h. The rear entrance landing by the laundry had no guard installed. The entrance door opened up to a two storey drop.
- i. The drywall in the bathroom between the tub/shower and entrance showed evidence of water damage.
- j. The kitchen outlets by the sink basin was not operational.
- k. The kitchen outlets by the sink basin were not GFI's.
- l. The kitchen window screen was in disrepair.
- m. The kitchen counter caulking had lifted and detached.
- n. The base of the kitchen cabinet under the basin was water damaged, the surface had lifted.
- o. The kitchen stove top left burner was not operational.
- p. The kitchen counter surface had lifted at the connecting joints.
- q. There were multiple kitchen tiles that were in disrepair.
- r. The kick plate of the kitchen pantry cabinet showed evidence of water damage.
- s. The living room ceiling hatch was unable to be secured.
- t. The handrail on the stairs leading to the suite was not secured.
- u.

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, c and d) 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").
- b. Items (b, i, n and r) 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.
- c. Item (e) 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.
- d. Items (f and s) 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.
- e. Item (g) is 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.
- f. Items (h and t) 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.
- g. Items (j and k) 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.

- h. Item (l) 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.
- i. Items (m, p, and q) 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.
- j. Item (o) is 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.

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 August 16, 2021.
2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. You must retain the services of an **Environmental Consultant or Industrial/Occupational Health Hygienist, that must be approved by Alberta Health Services and prior to the commencement of renovation or repairs**:
 - i. As this premise 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. Have the environmental consultant assess the conditions within the above noted premises for all water damaged materials and mould. The assessment must include the the attic/ceilings and walls. 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 moldy 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. Ensure all water damaged building materials have been removed and replaced. This includes:
 - i. The south east bedroom baseboards.
 - ii. The base of the kitchen cabinet under the sink basin.
 - iii. The kitchen pantry cabinet kick plate.
 - c. All rooms intended for sleeping must be equipped with windows which comply with emergency egress requirements. If this is not possible, the rooms can not be used for sleeping
 - d. Install a smoke alarm in the common hallway leading to the bedrooms. Ensure the smoke alarm is operational at all times.
 - e. Install a lock on the rear entrance and living room ceiling hatch. Ensure all exterior doors and windows are capable of being secured.
 - f. Repair the rear entrance door so it is in good repair, weatherproofed and capable of closing properly.
 - g. Install a guard at the rear entrance.
 - h. Repair the electrical outlets by the kitchen sink basin. Ensure electrical outlets comply with current building codes.
 - i. Repair or replace the kitchen window screen. Ensure all openable windows are equipped with screens.
 - j. Install caulking on the edge of kitchen counter. Ensure there is watertight seal between the counter joints.
 - k. Repair the kitchen damaged counter surface. Ensure all surfaces are smooth, durable and imperious to moister.
 - l. Repair or replace the top left stove burner so it is in good working order.
 - m. Repair or replace broken floor tiles in the kitchen so the flooring is in good repair, non-absorbent to moisture and easy to clean.
 - n. Repair or replace handrail leading to the suite from the entrance.
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, August 6, 2021.
Confirmation of a verbal order issued to Ben Lui on July 29, 2021.

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, 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 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: <https://www.alberta.ca/health-standards-and-guidelines.aspx>