

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

To: “the Owners”
Giuseppe Joe Milite and Francesca Milite

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

RE: Those housing premises located in Edmonton, Alberta and municipally described as:
10618 115 Street NW

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. Furnace is not operational; temperatures of habitable rooms range from -2 to 8°C
- b. Tenants are using space heaters as only source of heat
- c. No hot or cold running water at time of inspection
- d. Washroom facilities are not available due to lack of water
- e. Damaged wall and ceiling finishes in Kitchen and bathroom
- f. Floor tile in bathroom is broken and missing in areas
- g. Evidence of water leak and water damage from upstairs bathroom
- h. Bedroom windows and windows in other areas used as bedrooms (basement and living room) do not open. Basement windows have security bars on them.
- i. No smoke alarms in the home
- j. Windows are not weatherproof and are missing storm sashes
- k. Windows do not have insect screens

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. Item [a] is in contravention of Section IV (8)(a)(i) 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 and be capable of safely and adequately heating all habitable rooms, bathrooms, and toilet rooms within the building to a temperature of at least 22°C (71°F).
- b. Item [b] is in contravention of Section IV (8)(c) of the Minimum Housing and Health Standards which states that: cooking appliances and portable space heaters shall not be used as the primary source for the required heat to a habitable room.

- c. Item [c] is 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 must be supplied with a potable water supply of sufficient volume, pressure and temperature to serve the needs of the inhabitants.
- d. Item [d] is in contravention of Section IV (7)(a) of the Minimum Housing and Health Standards which states that: except where exempt by regulation, every housing premises shall be provided with plumbing fixtures of an approved type consisting of at least a flush toilet, a wash basin and a bathtub or shower. (a) The washbasins and bathtub or shower shall be supplied with potable hot and cold running water.
- e. Items [e, f & g] are in contravention of Section III (5)(a)(b) 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. (a) Rooms containing a flush toilet and/or 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. (b) 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.
- f. Item [g] is in contravention of Section IV 6(a)(c) of the Minimum Housing and Health Standards which states that: Every housing premises shall be connected to the public sewage system, or to an approved private sewage disposal system. (a) The plumbing system and the sanitary drainage system or private sewage disposal system, as the case may be, including drains, fixtures, traps, vents, stacks, waste disposal facilities, pump out sewage holding tanks, septic tanks and the disposal system shall be maintained in a proper operating condition. (c) All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.
- g. Item [h] is in contravention of Section III (3)(b)(i)(ii)(iii) of the Minimum Housing and Health Standards which states that: (b)(i) For buildings of 3 storeys or less and except where a bedroom door provides access directly to the exterior or the suite is sprinklered, each bedroom shall have at least one outside window which may be opened from the inside without the use of tools or special knowledge. (ii) 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"). (iii) If the window referred in section 3(b)(i) is provided with security bars, the security bars shall be installed so they may be opened from the inside without the use of any tools or special knowledge.
- h. Item [I] is 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. (a) Smoke alarms shall be operational and in good repair at all times.
- i. Items [J & K] are in contravention of Section III 2(b)(i)(ii)(iii) of the Minimum Housing and Health Standards which states that: (i) All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof. (ii) 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. (iii) 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.

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 February 28, 2022.
2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Have furnace inspected, serviced, and repaired to ensure it is working properly and providing adequate heat.
 - b. Investigate and repair plumbing system. Ensure a continuous supply of hot and cold running water to all fixtures in the home. Ensure no leaks from the plumbing and sewage systems.
 - c. Repair all damaged finishes through out the house. 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:

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.

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.

- d. Repair or replace windows throughout the home. Ensure windows in sleeping rooms meet the requirements for emergency egress. Ensure all windows are weatherproof and equipped with insect screens.
 - e. Install smoke alarms throughout the home
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, February 9, 2022

Confirmation of a verbal order issued to Joe Milite on February 10, 2022.

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.

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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>

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