

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

To: Grace Mickelson of Vancouver, BC
“the owner”

Brian Elliot Mickelson of Vancouver, BC
“the owner”

Howard Anthony Mickelson of Vancouver, BC
“the owner”

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

RE: The “housing premises” located in Edmonton, Alberta and municipally described as:
Suite 31, 10721 – 108 Street NW, Edmonton Alberta

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. There was evidence of extensive cockroach infestation. Live cockroaches were observed throughout the apartment. There were cockroach nests on the ceiling in various locations. There was a heavy build up of cockroach droppings on the walls, cupboards, drawers and fridge.
- b. There was water damage on the interior wall adjacent to the balcony. There was water damage on the ceiling by the south corner of the balcony.
- c. There was evidence of previous water infiltration on the ceiling above the bathtub. A section of the ceiling was missing above the bathtub.
- d. There was extensive mould growth on the living room ceiling and walls.
- e. The electrical outlet on the wall next to the balcony had become wet. The tenant indicated that the outlet sparked if anything was plugged into it.
- f. There was water pooling at the base of the toilet.
- g. The exterior of the refrigerator door was very rusted and could not be easily cleaned.
- h. The kitchen cupboard doors were in disrepair. The doors could not be easily opened. There were cupboard doors missing.
- i. The kitchen counters were in disrepair. The trim was loose and was falling off the front of the counter. The bottom edge of the counter was not properly finished or cleanable.
- j. The living room carpet was heavily stained and water damaged.
- k. The bathroom mechanical fan was not working properly. Airflow was venting back into the bathroom.

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. Violation [a.] is 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.
- b. Violation [b.] was in contravention of section 1(c) of the Minimum Housing and Health Standards which states building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced and of section 5(a) 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
- c. Violation [c.] was in contravention of section 1(c) of the Minimum Housing and Health Standards which states building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced and of section 5(a) 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 (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.
- d. Violation [e.] was in contravention of section 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.
- e. Violation [f.] was in contravention of section 6(c) of the Minimum Housing and Health Standards which states that all plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.
- f. Violations [g., h., and i.] are in contravention of section 14(a) of the Minimum Housing and Health Standards which states that (a) Every housing premises shall be provided with a food preparation area, which includes:(i) a kitchen sink that is supplied with potable hot and cold water and suitably sized to allow preparation of food, washing utensils and any other cleaning operation; and (ii) cupboards or other facilities suitable for the storage of food; and (iii) a counter or table used for food preparation which shall be of sound construction and furnished with surfaces that are easily cleaned; and (iv) 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. (40⁰F).
- g. Violation [j.] was in contravention of section 1(c) of the Minimum Housing and Health Standards which states building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced and of section 5(a) 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

- h. Violation [k.] was 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.

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 1, 2016**.
2. That the owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Ensure that a licensed Pest Control Operator is employed to rigorously treat for cockroaches, in coordination with the treatment of other infested suites. **Provide copies of pest control reports to this office.** Disinfest the premises. The owner shall ensure that the housing premises are free of insect infestations; and (i) all situations requiring the application of pesticides shall be conducted in accordance with the Environmental Protection and Enhancement Act and regulation; and (ii) whenever a pesticide is applied in a dwelling, the occupant shall be notified in accordance with the latest edition of the Environmental Code of Practice for Pesticides published by Alberta Environmental Protection. (iii) it is the occupants responsibility to allow access in accordance to the Residential Tenancy Act to do whatever is necessary to ensure the dwelling unit is ready for pesticide application.

The building owner(s), property managers, and occupants/tenants must work together to discourage any pest infestation and/or nesting by employing a number of control methods and by performing continual building maintenance in areas of concern. All parties are advised to work with and adhere to any prescribed actions from the exterminator (pest control company) contracted to service the building, and to consider a combination of physical control measures consistent with an Integrated Pest Management program (IPM).

- b. As this home was built prior to 1970 you must retain the services of an **Environmental Consultant or Industrial/Occupational Health Hygienist, be approved by Alberta Health Services and prior to any renovations being completed you must have the Environmental Consultant** assess the conditions within the above noted premises including performing applicable sampling for asbestos containing materials and carrying out of environmental air quality analyses of the interior spaces (including if applicable the attic, wall and floor cavities, and crawlspaces) for water and mould damage. Ensure that any additional renovation work, including painting, reinstallation of drywall and laying

of new flooring and/or sub floors does not occur until suitable air sample results are received and are to the satisfaction of Alberta Health Services.

- c. Provide a detailed assessment report and scope of work plan including a hazardous materials audit and management plan, as prepared by the Environmental Consultant, for review by Alberta Health Services.
- d. Ensure that all building materials that have been damaged or show evidence of deterioration are repaired or replaced.
- e. Ensure any cause(s) of water infiltration has been identified and remediated.
- f. Ensure that the damaged electrical outlet is in a safe operating condition.
- g. Ensure plumbing is in good repair and free of leaks, including by the toilet.
- h. Ensure the kitchen cupboards and drawers are in good repair and can be easily cleaned.
- i. Ensure the kitchen counters are in good repair and can be easily cleaned.
- j. Ensure that the fridge is maintained in a safe and proper operating condition at all times and is capable of maintaining temperatures between 0 and 4 degrees Celcius.
- k. Ensure that the bathroom mechanical ventilation is in good working order.
- l. 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.

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.

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 harborage to dirt, grease, vermin and bacteria and that are easily kept clean.

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 26, 2016

CONFIRMATION of a verbal order issued to Carlesha & Ryan Duchesne on April 19, 2016

_____(Original Signed)_____
Eleanor Lee, 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 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.

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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: www.health.alberta.ca/about/health-legislation.htm