

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

To: Kuntie Shantie Jaipaul
"the Owner"

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

RE: Those housing premises located in Edmonton, Alberta and municipally described as:
Suite 7: 10746 108 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. The suite entrance interior door casing was in disrepair.
- b. The suite entrance door handle was missing.
- c. The suite entrance door jamb was in disrepair.
- d. The smoke alarm in the suite was not operational.
- e. There was evidence of water staining on the hallway ceiling outside the bathroom.
- f. The bedroom window was missing an insect screen.
- g. The bedroom window openable area was measured to be approximately 9 ½" [w] X 36 ½" [h]. The smallest dimension was less than 15". This was too small for emergency egress.
- h. The bedroom door had detached from its hinges.
- i. The bathroom vent was not adequately secured. It was falling off the ceiling.
- j. The bathroom toilet overflow valve did not shut off when the tank was full. Water continued to flow.
- k. The bathroom flooring was lifting around the edges.
- l. There were numerous tiles on the tub surround that were broken or cracked.
- m. The grout around the tiles on the tub surround was in disrepair. Light could be seen through the bathroom wall tiles.
- n. The bathroom hand sink was leaking.
- o. The bathroom hand sink vanity (cabinet and base) showed evidence of water damage and mould. A high moisture reading was obtained on from the cabinet base under the bathroom sink.
- p. The bathroom door lock and handle mechanism was in disrepair.
- q. The floor covering (laminat) was in disrepair throughout the suite. The floor covering had lifted, detached and/or separated.
- r. The balcony door interior casing was missing on the left side.
- s. The balcony door weather-stripping was missing.
- t. The balcony door lock was not operational.

- u. The balcony door jamb was in disrepair.
- v. The living room window lock was not operational.
- w. The kitchen ceiling was damaged. There was evidence of a fire and smoke damage. It was covered with soot from the recent fire.
- x. The kitchen cupboards above the stove were damaged (burnt from the recent fire).
- y. The kitchen wall above the stove was damaged (burnt from the recent fire).
- z. There was a hole on the left side of the kitchen sink basin. The basin had been stabbed/punctured and water leaked out onto the cupboard when the sink was used. There was water pooling on the shelf under the kitchen sink.
- aa. There was a hole in the wall behind the suite's main entrance door.
- bb. The baseboard heater covers had detached or were missing.
- cc. The suite was infested with cockroaches.

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 (f) was 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.
- b. Item (d) was 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.
- c. Item (g) was 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").
- d. Items (j and n) were in contravention of section IV(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.
- e. Item (s) was 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 (t and v) were 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.
- g. Items (i, k, l and m) were in 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.
- h. Items (a, q, r, aa and bb) were 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.
- i. Items (b, c, e, h, o, p, u, w, x, y and z) were 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.

- j. Item (cc) was 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.

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 January 31, 2018.
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: As this building was built prior to 1990, the presence of asbestos within building materials is likely thus all precautions must be taken. Ensure proper removal/handling of impacted materials following current codes and standards. The consultant *must* assess the conditions within the above noted premises including performing applicable sampling for asbestos containing materials.**
 - (i) 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.**
 - (ii) Then the environmental consultant will assess the conditions within the above noted premises for all water damaged materials and mould in the bathroom and any other affected areas. 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 environmental air quality sampling and photographic evidence that all mouldy material has been. **Testing and reporting shall follow the requirements outlined in Alberta Health Services' Fungal Air Testing Protocol.**
 - b. Repair or replace the suite entrance and balcony door casing, handle and door jamb. Ensure all exterior doors are maintained in good repair and capable of being secured at all times.
 - c. Install weather-stripping on both the balcony and suite entrance door. Ensure all exterior doors are properly weatherproofed.
 - d. Repair or reattach the bedroom door and ensure it is maintained in good repair.
 - e. Remove or repair any materials that have been damaged by fire. Ensure all building material is in good repair.

- f. Remove and replace the kitchen exhaust fan that was damaged by fire. Ensure all equipment is in good repair.
- g. Repair or replace the kitchen cabinet doors that were damaged by fire so they are in good repair and properly finished. Ensure all fire damaged materials have been removed and replaced.
- h. Install an effective screen on the bedroom window. Ensure all windows intended for ventilation are supplied with effective screens.
- i. Repair the suite bathroom door jamb/lock mechanism so it can be closed and is in good repair.
- j. Repair or replace the all walls, ceilings, and floors that are in disrepair. Ensure 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.
- k. Repair or replace the caulking along the joints between to the bathtub and bathtub surround so that the joints are watertight.
- l. Repair or replace the bathtub surround broken or cracked tile and ensure the tile grout is replaced so that the joints are watertight.
- m. Repair the leaking bathroom hand sink. Ensure all plumbing fixtures are serviceable, free from leaks, trapped and vented to the outside.
- n. Repair or replace the bathroom toilet. Ensure all plumbing fixtures are serviceable, free from leaks, trapped and vented to the outside.
- o. Remove and replace the water damaged hand sink cabinet. Ensure all water damaged material have been removed and replaced.
- p. Install a lock on the living room window. Ensure all exterior windows are equipped with a locking mechanism so they are capable of being secured.
- q. Repair or replace baseboard heater covers throughout the suite.
- r. Repair or replace punctured kitchen sink basin. Ensure all materials are in good repair, non-absorbent to moisture and easy to clean.
- s. Ensure that the bathroom mechanical fan cover is properly installed.
- t. Ensure that operational smoke alarms are installed between each sleeping area and the remainder of the suite. Smoke alarms are to be operational and in good repair at all times.
- u. Ensure that a licensed Pest Control Operator is employed to rigorously treat for cockroaches in the premises. **Provide copies of pest control reports to this office.** Disinfest the premises. The owner shall ensure that the housing premises are free of insect and rodent 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.
- v. Ensure that the conditions within the suite meet the requirements outlined in the Minimum Housing and Health Standards. Take any further steps in the interests of preserving and maintaining the health of any person who may, in the future, occupy the above noted premises as may be required by the Executive Officer.

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, January 17, 2018.

_____(Original Signed)_____

Alaa (Al) Farhat, CPHI(C)
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, Telus Plaza North Tower
10025 Jasper Avenue NW
Edmonton, Alberta, T5J 1S6
Phone: 780-222-5186
Fax: 780-422-0914
Email: HealthAppealBoard@gov.ab.ca
Website: <http://www.health.alberta.ca/about/PHAB.html>

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

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