

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

To: Gurinder Dhaliwal
Edmonton, Alberta

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

RE: Those housing premises located in **Edmonton, Alberta** and municipally described as:
10832 – 75 Avenue. Legal land description: Plan 5765Q, Block 3, Lot 25

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. The smoke detectors in the common areas and sleeping areas were not operational.
- b. A heavy mouse infestation existed.
- c. The heat was not adequate at the time of inspection. The basement living areas were measured to be 9°C at the time of inspection.
- d. There was no supply of hot running water.
- e. The plumbing was in disrepair. Pipes were observed leaking in the basement living area and under the basement sink.
- f. Evidence of water infiltration was observed in the north east corner of the laundry area.
- g. Extensive water damage and mould was observed in various locations. A section of ceiling in the basement kitchen area was collapsing and had extensive water damage and mould growth. Water damage, rot and mould were observed under the basement kitchen sink. Mould growth was observed on the north east corner of the laundry room. Water damage and mould was observed on basement bathroom baseboards and wall.
- h. The back door was not weatherproof.
- i. The eavestroughes were in disrepair. Sections were falling off or removed on the east side of the premises.
- j. The kitchen cabinet kickboards were removed, exposing unfinished wood which could not be easily cleaned.
- k. The bathroom hand sink did not drain.
- l. The shower was not water tight.

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. The smoke detectors in the common areas and sleeping areas were not operational , which is a contravention on 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.
- b. A heavy mouse infestation existed, which is a 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 (i) all situations requiring the application of pesticides must be applied 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.
- c. The heat was not adequate at the time of inspection. The basement living areas were measured to be 9°C at the time of inspection, which is a contravention of section IV(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, and be *capable* of safely and adequately heating all habitable rooms, bathrooms, and toilet rooms within the building to a temperature of ; (i) at least 220C(710F), or (i) maintained at a temperature of at least 220C(710F) when the control of the supplied heat in a dwelling is the responsibility of a person other than the occupant.
- d. There was no supply of hot running water, which is a contravention of section IV(9)(a) 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. (a) All hot running water shall be maintained at a temperature of not less than 46 degrees C (114 degrees F), and not more than 60 degrees C (140 degrees F) measured at the plumbing fixture.
- e. The plumbing was in disrepair. Pipes were observed leaking in the basement living area and under the basement sink which is a contravention of section IV(6)(a) 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, pumpout sewage holding tanks, septic tanks and the disposal system shall be maintained in a proper operating condition. (b) Adequate water volume and pressure shall be provided to ensure the proper operation and flushing of all fixtures. (c) All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.
- f. Evidence of water infiltration was observed in the north east corner of the laundry area, which is a contravention of section III(1) of the Minimum Housing and Health Standards which states that: The owner shall ensure that the housing premises is structurally sound, in a safe condition, in good repair, and maintained in a waterproof, windproof and weatherproof condition. (a) The housing premises shall be structurally sound. (b)

Basements, cellars or crawl spaces shall be structurally sound, maintained in good repair and free from water infiltration and accumulation.

- g. Extensive water damage and mould was observed in various locations. A section of ceiling in the basement kitchen area was collapsing and had extensive water damage and mould growth. Water damage, rot and mould were observed under the basement kitchen sink. Mould growth was observed on the north east corner of the laundry room. Water damage and mould was observed on basement bathroom baseboards and wall, which are contraventions of section III(1) of the Minimum Housing and Health Standards which states that: The owner shall ensure that the housing premises is structurally sound, in a safe condition, in good repair, and maintained in a waterproof, windproof and weatherproof condition. (a) The housing premises shall be structurally sound. (b) Basements, cellars or crawl spaces shall be structurally sound, maintained in good repair and free from water infiltration and accumulation. (c) Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- h. The back door was not weatherproof, which is a contravention on 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.
- i. The eavestroughes were in disrepair sections were falling off or removed on the east side of the premises, which is a contravention on section III(2)(a) of the Minimum Housing and Health Standards which states that: the roof and exterior cladding of walls shall be maintained in a waterproof, windproof and weatherproof condition.
- j. The kitchen cabinet kickboards were removed, exposing unfinished wood which could not be easily cleaned, which is a 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. (a) 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. (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.
- k. The bathroom hand sink did not drain, which is a contravention of section IV(6)(a) 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, pumpout sewage holding tanks, septic tanks and the disposal system shall be maintained in a proper operating condition. (b) Adequate water volume and pressure shall be provided to ensure the proper operation and flushing of all fixtures. (c) All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.
- l. The shower was not water tight, which is a 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.

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 4, 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. 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.

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.

- b. Ensure that all building materials that have been damaged or show evidence of deterioration is repaired or replaced.
- c. Ensure all smoke detectors are installed and are in good working order.
- d. Hire a qualified pest control operator, to eliminate with the mouse infestation in the premises.

A report from the pest control contactor indicating that the premises is rodent free is to be submitted to this office.
- e. Ensure adequate heat is supplied to all habitable rooms, bathrooms, and toilet rooms within the building premises. Ensure all heating facilities within the premises are to be properly installed and maintained in good working condition, and are capable of safely and adequately heating to a temperature of ; (i) at least 220C(710F), or (i) maintained at a temperature of at least 220C(710F) in habitable areas where the control of heat is the responsibility of a person other than the occupant.
- f. Ensure an adequate supply of hot and cold running water.
- g. Ensure all plumbing fixtures, including drains, fixtures, traps, vents, stacks and waste disposal facilities are maintained in a proper operating condition.
- h. Ensure basement is free from water infiltration. Identify and correct cause of water infiltration into the basement. Repairs or modifications of any structural element of the housing premises may require the design and/or supervision of a professional structural engineer or a Safety Codes Officer (Building Discipline).

- i. 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.
 - j. Ensure the roof, including eavestrough, are in good repair and are in a waterproof, windproof and weatherproof condition.
 - k. Ensure the kitchen cupboards are in good repair and are in a state that renders them easy to clean.
 - l. Ensure that all modifications and subsequent renovations to the basement are accompanied by the appropriate building and electrical permits from the City of Edmonton. Please provide copies of those permits to this office.
 - m. 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, December 11, 2015

_____(Original Signed)_____
Eleanor Lee, BSc., BEH(AD), 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.

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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