

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

To: **Bal K Chadha
Edmonton, Alberta**

**Santosh Chadha
Edmonton, Alberta**

**Shyam Chadha
Edmonton, Alberta**

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

RE: **Plan I23; Block 140; Lot 2
Basement, 10902 - 79 Avenue NW
Edmonton, Alberta T6G 0N9**

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. Unacceptable windows in:
 - Northwest basement bedroom (window measured approximately 20.5" x 20.5" which is too small for emergency egress)
 - East Bedroom (window measured approximately 15.5" x 16" which is too small for emergency egress)
- b. Smoke alarm was not operational in basement creating a lack of a warning system in case of fire.
- c. Crack in basement foundation in east bedroom under window allows water to seep into bedroom, soaking carpet and promoting mould growth.
- d. Vertical ducts and pipes from heating system in basement are located lower than 6 feet from floor which reduces headroom clearance.

AND WHEREAS such inspection disclosed that the following breaches of the Public Health Act and the Regulations there under exist in and about the above noted premises, namely:

- a) Housing Regulation 173/99 s.4
Unacceptable bedroom windows are a 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) Housing Regulation 173/99 s.4
Missing smoke alarm is a 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
- c) Housing Regulation 174/99 s.4
rack on foundation wall is a contravention of section III(1)(a,b) of the Minimum Housing and Health Standards which states that: the housing premises shall be structurally sound, and; basements, cellars or crawl spaces shall be structurally sound, and maintained in good repair.
- d) Nuisance and General Sanitation Regulation 243/2003 s.2
Lack of head room clearance in the basement common area is in contravention of Part 1, section 2(1) which states that no person shall create, commit or maintain a nuisance, and 2(2)(a) which states that without limiting the generality of subsection (1), a person who creates, commits or maintains (a) any premises in a condition that is or might become injurious or dangerous to the public health or that might hinder in any manner the prevention or suppression of disease is deemed to have created, committed or maintained a nuisance.

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 **August 1, 2011**,
2. That the owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a) Provide for each bedroom an outside window which may be opened from the inside without the use of tools or special knowledge. Unobstructed openings shall not be less than 0.35 sq.m (3.8 sq.ft), with no dimension less than 380mm (15 inches), and any security bars must be openable from the inside without the use of any tools or special knowledge.
 - b) Ensure that smoke alarm is operational.

- c) Foundation repairs must be carried out by qualified individuals under the direction of a Professional Engineer. You must also provide a structural certification report to Alberta Health Services.

The report shall:

- a) Provide the Engineer's professional opinion on the structural integrity of the entire building, with specific comment on the individual components thereof (including the foundation, support structure, ceilings, floors, and roof) and whether the building is safe for occupancy.
 - b) Be affixed with the Engineer's signature and professional seal.
 - c) Be accompanied by a detailed design repair method, complete with drawings or plans and be affixed with the Engineer's signature and professional seal.
 - d) If the Engineer's Report identifies required repairs in accordance with item (c) above you must provide a written construction schedule outlining the start and completion date for each item identified in the Engineer's design repair method.
- once foundation is sound, carpet soaked by water must have underlay removed and replaced, and carpet steam-cleaned and sanitized.
- d) Ensure ceiling height in all walking areas of the basement has a minimum of 6 feet head clearance.
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.

For some aspects of this project it may be necessary to obtain building permits from the municipality and its *Planning and Development Department*. Be further advised that portions of the building may be subject to the *Safety Standards for Secondary Suites* as adopted by the municipality, and any applicable Planning & Development permits.

DATED at Edmonton, Alberta, 26 July 2011

_____(Original Signed)_____
Claire Webb, BSc, CPHI(C)
Environmental Health Officer
Executive 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 24th Floor, Telus Plaza, 10025 - Jasper Avenue, Edmonton, Alberta, T5J 1S6. Telephone (780) 427-2813.

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 & Wellness at (780) 427-4518, or by visiting: www.health.alberta.ca/about/health-legislation.html