

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

To: "The Owners":
2119366 Alberta Inc.
Mohamed Nouh
Ehab Hamza (Property Manager)

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

RE: Those housing premises located in Edmonton, Alberta and municipally described as:
10917 University Avenue 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. Lack of heat/inadequate heat: The temperature in the premises was measured and fluctuated in different rooms from 1 C to 9 C, which was too cold.
- b. The hot water heating system was not operational.
- c. The sources of heat for the building were portable space heaters and the oven.
- d. The hot water tank was leaking.
- e. There was no smoke alarm in the main floor.
- f. The ceiling and walls in the basement washroom and the rooms were water damaged.
- g. The bottom of the wall in the utility room was water damaged.
- h. All carpeted areas throughout the basement were soaked wet.
- i. The laminate flooring in the basement was water damaged.
- j. There were missing wall tiles in the main floor washroom.
- k. The ceiling in the main floor washroom was water damaged.
- l. The ceiling in the Northwest bedroom and the closet was water damaged.
- m. The ceiling in the kitchen was peeling off.
- n. There were multiple cracks on the plaster walls throughout the premises.
- o. The refrigerator was leaking. There was water pooling around the bottom of the refrigerator.
- p. There were cracks on the foundation walls in the utility room. The utility room had exposed foundation walls in which the cracks were visible.
- q. The window in the Northwest bedroom was cracked.
- r. The window in the kitchen was cracked.
- s. The back door was not weatherproof.

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. Items [a and b] are in contravention of section IV(8)(a)(i) of the Minimum Housing and Health Standards which states: 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.
- b. Item [c] is in contravention of section IV(8)(c) of the Minimum Housing and Health Standards which states: Cooking appliances and portable space heaters shall not be used as the primary source for the required heat to a habitable room.
- c. Items [b and d] are in contravention of Section IV 6(a)(c) of the Minimum Housing and Health Standards which states that: (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.
- d. Item [e] 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.
- e. Items [f, g, h, i, j, k, l, m, and n] 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 [o] is in contravention of Section IV (14)(a)(iv) of the Minimum Housing and Health Standards which states that: (a) Every housing premises shall be provided with a food preparation area, which includes: (iv) a stove and a refrigerator that are maintained in a safe and proper operating condition.
- g. Item [p] is in contravention of Section III (1)(a)(b)(c) of the Minimum Housing and Health Standards which states that: (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. (d) Repairs or modifications required by the Executive Officer 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).
- h. Items [q, r, and s] 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.

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 December 2, 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 a qualified Plumbing & Heating professional inspect the hot water heating system, the hot water tank, and conduct any necessary repairs. **Provide documentation to this office.**
 - b. Ensure cooking appliances and portable space heaters are not the primary source of heat for the building.
 - c. Ensure that an operational smoke alarm is installed between each sleeping area.
 - d. Repair or replace all water damaged walls, ceilings, and floor finishes in the premises.
 - e. Due to the large amount of water damage in the premises, you must retain the services of an **Environmental Consultant or Industrial/Occupational Health Hygienist, that must be approved by Alberta Health Services prior to the commencement of renovation or repairs:**
 - (i) Remove all water damaged/mouldy building materials in accordance with the Alberta Health Services Fungal Air Testing for Mould-Contaminated Buildings requirements:
wf-eh-fungal-air-testing-for-mould-contaminated-buildings.pdf
(albertahealthservices.ca). **Reports and final air quality test results are to be submitted to this office.**
 - (ii) As this home 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.**
 - (iii) 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.**
 - f. Ensure that the premises is supplied with a refrigerator that is operational and in good repair.
 - g. Hire a qualified foundation contractor or structural engineer to assess the cracks in the foundation and make the required repairs. **Reports are to be submitted to this office.**
 - h. Replace the glass on the windows that are broken or in disrepair.
 - i. Install weather stripping around the back door to ensure it is weatherproof.

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 2, 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 the Public Health Appeal Board or visiting their website.

Health Legislation, Regulations and Standards

Electronic versions of the Public Health Act and Regulations are available at the Alberta King's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or <https://www.alberta.ca/alberta-kings-printer.aspx>.

Health Legislation and regulations are available for purchase. Please contact Alberta King's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or <https://www.alberta.ca/alberta-kings-printer.aspx>.

Copies of standards are available by visiting: <https://www.alberta.ca/health-standards-and-guidelines.aspx>

