

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

**To:** Dariusz Roman Guzierowicz

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

**RE:** Plan NA, Block 18, Lot 5  
10948 – 97 Street

**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. There was evidence of water infiltration in the basement, including the basement suites 9 and 10, which can lead to increased humidity and mould growth.
- b. Finishes throughout the building were in disrepair and/or in need of refinishing including finishing of walls required in front area, halls and stairways; baseboards missing in various areas; casing missing around various doors; portion of wall by second floor bathroom had been removed to expose plumbing fixtures; portions of floor finishes missing/in disrepair in various areas.
- c. The main floor bathroom finishes in a general state of disrepair: mould growth and water damage noted on ceiling and upper wall, the walls consisted of unfinished drywall, and the flooring was in disrepair with bare wood in areas.
- d. There was an exposed electrical conductor on the ceiling of the main floor bathroom.
- e. The shower fixture was in disrepair in the basement washroom.
- f. The sink tap in the basement bathroom was continuously running.
- g. A corner of the basement bathroom flooring had exposed plumbing with 2x4s partially framing it in.
- h. A second floor common bathroom was completely stripped down to wood frame, no plumbing fixtures.
- i. The operational second floor common bathroom door was not lockable.
- j. There was a leak in an exposed plumbing pipe in the basement ceiling.
- k. The glass in the window at the side entrance was missing, with window boarded over with piece of wood.
- l. The front door glass was cracked.
- m. Evidence of a mouse infestation noted in the basement noted, including suites 9 and 10, as well as suite 7 and suite 8 on the main floor.
- n. Switch and plug plates were missing in suite 1, suite 2, suite 3.

- o. Mould growth noted on kitchen wall in suite 1 where previous upper cabinets had been installed, a portion of the kitchen ceiling was in disrepair with water damage and mould growth.
- p. Floor finishes in disrepair throughout suite 1, with exposed plywood subfloor in front entrance, preventing appropriate cleaning.
- q. A kitchen cupboard door had been removed in suite 1.
- r. The kitchen counter was in disrepair in suite 1 preventing appropriate cleaning and sanitizing.
- s. The glass was missing in one window in suite 2 preventing appropriate weatherproofing.
- t. The light switch by the front door was not properly affixed to the wall in suite 4, creating an electrical hazard.
- u. The top portion of the cupboard under the kitchen sink was off in suite 4.
- v. The glass was missing in a window in suite 4 and was boarded over with a piece of wood.
- w. The kitchen tap in suite 7 was continuously running.
- x. The ceiling was in disrepair, with the drywall falling down, in Suite 9.
- y. The bedroom window in Suite 2 had a 2x4 nailed across it preventing emergency egress.

**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  
Evidence of water infiltration in the basement, including the basement Suites 9 and 10 is a contravention of section III(1)(b,c) of the Minimum Housing and Health Standards which states that: Basements, cellars or crawl spaces shall be structurally sound, maintained in good repair and free from water infiltration and accumulation; Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- b. Housing Regulation 173/99 s.4  
Finishes in disrepair throughout the building 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.
- c. Housing Regulation 173/99 s.4  
Finishes in disrepair in main floor bathroom is a 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 others, the floor, the ceiling and where applicable with the bathtub or shower.
- d. Housing Regulation 173/99 s.4  
Exposed conductor in main floor bathroom is a contravention of section III(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. Housing Regulation 173/99 s.4  
Basement bathroom shower fixture in disrepair is a contravention of section IV(6)(a) of the Minimum Housing and Health Standards which states that: 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.
- f. Housing Regulation 173/99 s.4  
The basement bathroom sink tap continuously running 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.
- g. Housing Regulation 173/99 s.4  
Floor finishes (exposed 2x4s) in basement bathroom is a 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 others, the floor, the ceiling and where applicable with the bathtub or shower.
- h. Housing Regulation 173/99 s.4  
A gutted second floor bathroom is a 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 others, the floor, the ceiling and where applicable with the bathtub or shower.
- i. Nuisance and General Sanitation Regulation 243/2003 s.2  
Second floor washroom was not lockable which is a 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.
- j. Housing Regulation 173/99 s.4  
Leaking plumbing pipe in basement 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.
- k. Housing Regulation 173/99 s.4  
Window at side entrance covered with plywood is a 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.
- l. Housing Regulation 173/99 s.4

Broken front door glass is a 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.

- m. Housing Regulation 173/99 s.4  
Evidence of mouse infestation in various areas of premises 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.
- n. Housing Regulation 173/99 s.4  
Switch and plug plates missing in suites 1, 2, and 3 is a contravention of section III(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.
- o. Nuisance and General Sanitation Regulation 243/2003 s.2  
Mould growth noted on kitchen ceiling and wall in suite 1 kitchen which is a 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.
- p. Housing Regulation 173/99 s.4  
Kitchen counter surface in disrepair and kitchen cupboard door missing in Suite 1, and kitchen cupboard in disrepair in suite 4 are contraventions of section IV(14)(a)(iii) of the Minimum Housing and Health Standards which states that: Every housing premises shall be provided with a food preparation area which includes (iii) a counter or table used for food preparation which shall be of sound construction and furnished with surfaces that are easily cleaned.
- q. Housing Regulation 173/99 s.4  
Window missing glass in suite 2 and suite 4 are contraventions 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.
- r. Housing Regulation 173/99 s.4  
The light switch by the front door in suite 4 in disrepair is a contravention of section III(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.
- s. Housing Regulation 173/99 s.4  
Kitchen tap in suite 7 continuously running 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.

- t. Housing Regulation 173/99 s.4  
Suite 9 ceiling in disrepair, with drywall falling down, 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.
- u. Housing Regulation 173/99 s.4  
Emergency egress window blocked with a 2x4 nailed across it in suite 2 is a contravention of section III(3)(b) of the Minimum Housing and Health Standards which states that: For buildings of 3 storeys or less and except where a bedroom door provides access directly to the exterior or the suite is sprinklered, each bedroom shall have at least one outside window which may be opened from the inside without the use of tools or special knowledge. (i) Windows referred to above shall provide unobstructed openings with areas not less than 0.35m<sup>2</sup> (3.8 ft<sup>2</sup>), with no dimension less than 380 mm (15”).

**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**:

- a. That the occupants vacate the above noted premises on or before **August 15, 2011**
- b. That the owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
  - a. Investigate and determine the cause of the water infiltration in the basement and repair it.
  - b. Remove all water damaged and mouldy materials from the basement, Suite 1, the main floor bathroom and any other affected area. All mouldy material must be removed and the area cleaned and dried before repairs and refinishing are completed. (see below). Once the area has been cleaned please contact this office for reinspection.

Where water damage has occurred, the area must be assessed to determine the extent of damage and mould contamination. This assessment must include insulation and any other absorbent material in wall and ceiling cavities.

Where mould growth is extensive, mould remediation must be consistent with procedures in these or similar documents:

- Mould Remediation in Schools and Commercial Buildings (EPA, 2001)
- Guidelines on Assessment and Remediation of Fungi in Indoor Environments (New York City Department of Health, 2008)
- Mould Guidelines for the Canadian Construction Association (CCA, 2004)
- Mould in Indoor Environments Risk Assessment and Management Program Handbook (Alberta Research Council/Alberta Infrastructure and Transportation, 2006)

It is your responsibility to protect the health and safety of your tenants and workers during mould remediation. It is strongly advised that you consult with and/or hire an environmental consultant.

- c. Ensure that all walls, windows, ceilings, floors, floor coverings, and counter/cupboards are maintained in good repair, free of cracks, holes, loose of lifting coverings and in a condition that renders it easy to clean.
  - d. Ensure that all electrical outlets, switches and fixtures are properly installed and are maintained in a good and safe working condition.
  - e. Ensure that all plumbing fixtures are free from leaks and are maintained in good repair.
  - f. Ensure that all suites and common washrooms are lockable from the inside.
  - g. Ensure that all windows and exterior doors are maintained in good repair, free of cracks and weatherproof.
  - h. Ensure that the premises is properly treated for mouse infestation, and any other noted pests. Ensure that the premises is maintained free of insect and rodent infestations.
  - i. Remove the 2x4 blocking the emergency egress window in suite 2.
  - j. Ensure that there are an adequate number of common washrooms. Each group of plumbing fixtures (toilet, washbasin, bathtub or shower) shall not serve more than eight persons.
- c. 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, July 27, 2011

\_\_\_\_\_(Original Signed)\_\_\_\_\_  
Rebecca Johnson, B.Sc., 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 24<sup>th</sup> 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](http://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](http://www.health.alberta.ca/about/health-legislation.html)*