

**ORDER OF AN EXECUTIVE OFFICER
CLOSED FOR TENANT ACCOMMODATION PURPOSES
ORDER TO VACATE**

To: **Sandy Lutic** **Paul Adams**
 "the Owner" " the agent"

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

RE: Those housing premises located in Edmonton, Alberta and municipally described as:
Basement Suite, 11105 - 122 Street NW, Edmonton, Alberta

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. Evidence of water infiltration was noticed in the north east corner of the suite. This was reportedly caused by foundation issues.
- b. There was water damage and mould growth in the bathroom shower stall and its adjacent area.
- c. The bedroom window openings were measured to be 10 inches x 39 inches, which were too small for egress purposes.
- d. Extensive disrepairs on the walls/ceilings/floor coverings were observed throughout the premises.

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. Violation [a] was in contravention of section III(1)(b and c) of the Minimum Housing and Health Standards which states that: (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.
- b. Violation [b] was in contravention of section III(1)(c) of the Minimum Housing and Health Standards which states that:(c) building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- c. Violation [c] was in 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 0.35 m² (3.8ft²), with no dimension less than 380 mm (15"). (ii) If the window referred above is provided with security bars, the security bars shall be installed so they may be opened from the inside without the use of any tools or special knowledge.

- d. Violation [b] was 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.

AND WHEREAS, by virtue of the foregoing, the above noted premises are hereby declared to be **Closed for Tenant Accommodation Purposes**.

NOW THEREFORE, I hereby **ORDER** and **DIRECT**:

1. That the occupants vacate the above noted premises on or before **September 7, 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. Retain the services of a qualified contractor to assess and repair the foundation and to ensure all sources of water infiltration have been corrected. The report outlining the findings and actions taken must be submitted to the Environmental Public Health Department with Alberta Health Services.
 - b. Retain the services of an Environmental Consultant prior to the commencement of renovation or repairs: As this housing was built prior to 1990, the presence of asbestos within building materials is likely thus all precautions must be taken. The consultant must assess the conditions within the above noted premises including performing applicable sampling for asbestos containing materials.

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. Ensure proper removal/handling of impacted materials follow current codes and standards following the Alberta Asbestos Abatement Manual.

Then the environmental consultant will assess the conditions within the above noted premises for all water damaged materials and mould for the entire room: to include the attic, wall and floor cavities, and crawlspaces. 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 photographic evidence that all moldy material has been removed and environmental air quality sampling. Testing and reporting shall follow the requirements outlined in Alberta Health Services' Fungal Air Testing Protocol.

- c. Replace all water damaged and mould contaminated materials with materials that are in good repair.
 - d. Modify the bedroom windows and ensure all bedroom windows provide unobstructed openings with areas not less than 0.35 m² (3.8ft²), with no dimension less than 380 mm (15"). All egress windows must open directly to the outside and have unobstructed egress paths away from the premises. Ensure all egress windows are maintained in good repair and are easy to open and are capable of staying in the open position.
 - e. Repair or replace the affected walls/ceilings/floor coverings, ensure that all walls/ceilings/floor coverings are maintained in good repair, free of cracks, holes, loose or lifting coverings and in a condition that renders it easy to clean.
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 closed for tenant accommodation purposes.

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, August 31, 2018.

Amended the August 27, 2018 Order to reflect the extension for the vacate date which was changed from August 31, 2018 to September 7, 2018

_____ (original signed) _____

Dengzhong Wang, 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 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