

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

To: Joe Aarts
"the Owner"

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

RE: Those housing premises located in Edmonton, Alberta and municipally described as:
11141 – 96 Street 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. Atco Gas had turned off the gas to the property due to unsatisfactory conditions relating to the provincial Gas Code Regulation. The Atco Gas Report indicated that unacceptable carbon monoxide levels were measured during the service call.
- b. There was no hot water available at any of the plumbing fixtures because the gas was shut off.
- c. The ceiling and walls in the living room were heavily water damaged, including the main support beam. The materials had elevated moisture level readings.
- d. The flooring underneath the refrigerator in the kitchen was bowing and soft to touch.
- e. The floor covering was lifting in the kitchen and transition strips were missing.
- f. The space between the guard spindles on the staircase were 6 inches in width, which were too wide.
- g. The walls in the bathroom upstairs were water damaged and peeling.
- h. The caulking around the bath tub was cracked and damaged.
- i. The flooring and baseboards in the bathroom upstairs were water damaged and there was a soft section in the corner between the door and the bath tub.
- j. The window in the west bedroom did not stay open on its own and impeded emergency egress.
- k. The lock on the window in the west bedroom was not functional and the window could not be adequately secured.
- l. Light could be seen under the balcony door in the east bedroom as the door was not adequately weatherproof.
- m. Uncapped electrical wires were observed sticking out of an old electrical socket in the living room.
- n. Cover plates were cracked and missing on electrical outlets throughout the premises.
- o. Insect screens were missing on the majority of the openable windows throughout the premises.

- p. The premises was infested with bed bugs and cockroaches.

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 3(2) of the Housing Regulation that states: “An owner shall ensure that the housing premises’ plumbing system and facilities provided under subsection (1) (b) are free from defects and maintained in proper operating condition.”
- b. Violation [b] was in contravention of section 9 of the Minimum Housing and Health Standards that states: “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 (114F), and not more than 60 degrees C (140F) measured at the plumbing fixture”.
- c. Violations [c], [d], and [g] were in contravention of section 1(c) of the Minimum Housing and Health Standards that states: “Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced”.
- d. Violation [e] was in contravention of section 5 of the Minimum Housing and Health Standards that states: “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”.
- e. Violation [f] was in contravention of section 3(c) of the Minimum Housing and Health Standards which states: Inside or outside stairs or porches including all treads, risers, supporting structural members, handrails, guards and balconies, shall be maintained in good repair and shall comply with the requirements of the Alberta Building Code or a Professional Engineer design.
- f. Violations [h], and [i] were in contravention of section 5(a) of the Minimum Housing and Health Standards that states: “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”.
- g. Violations [j] and [l] were in contravention of section 2(b) (i) of the Minimum Housing and Health Standards: “All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof.”
- h. Violation [k] was in contravention of section 3(a) of the Minimum Housing and Health Standards that states: “Exterior windows and doors shall be capable of being secured”.
- i. Violations [m] and [n] were in contravention of section 11 of the Minimum Housing and Health Standards that states: “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”.
- j. Violation [o] was in contravention of section 2(b)(iii) of the Minimum Housing and Health Standards that states: “During the portion of the year when there is a need for protection against flies and other flying insects, every window or other device intended for ventilation shall be supplied with effective screens”.

- k. Violation [p] was in contravention of section 16(a) of the Minimum Housing and Health Standards that states: “The owner shall ensure that the housing premises are free of insect and rodent infestations”.

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 31, 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. Ensure the unsatisfactory conditions under the provincial Gas Code Regulation are rectified so that the gas can be safely turned backed on.
 - b. Ensure that the premise is adequately supplied with hot running potable water that is capable of being maintained at a temperature of not less than 46 degrees C (114F), and not more than 60 degrees C (140F) measured at the plumbing fixture.
 - c. 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) 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.
 - (ii) 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**
 - (iii) Then the environmental consultant will assess the conditions within the above noted premises for all water damaged materials and mould including the assessment is to include the entire premises including 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 environmental air quality sampling and photographic evidence that all mouldy material has been. **Testing and reporting shall follow the requirements outlined in Alberta Health Services’ Fungal Air Testing Protocol.**

- d. Repair or replace all water damaged materials including the floors, walls and ceilings in the premises after item c. as been complied with.
- e. Repair or replace the lifting floor covering in the kitchen. Install transition strips where needed.
- f. Modify the guard rail on the front exterior stairs and landing so the width between the spindles is less than 4 inches, as required by the Alberta Building Code.
- g. Repair or replace the caulking around the bath tub so that it forms a watertight joint with the wall.
- h. Repair or replace the hold-open hardware on the window in the west bedroom for emergency egress.
- i. Repair or replace the lock on the window in the west bedroom so that it is capable of being secured.
- j. Repair, replace or modify the door in the east bedroom so that it is free of cracks and adequately weatherproof.
- k. Cap the exposed electrical wires in the living room or repair the electrical socket so that it is maintained in a good and safe working condition.
- l. Repair or replace broken and missing electrical cover plates so that they are maintained in a good and safe working condition.
- m. Ensure all openable windows have effective insect screens to protect against flying insects.
- f. Ensure that the premises are free of insect and rodent infestations; and all situations requiring the application of pesticides must be applied in accordance with the Environmental Protection and Enhancement Act and regulation.

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, August 13, 2018.

(Original Signed)
Leah Danyluk, CPHI(C)
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: <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