

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

To: 692103 Alberta Ltd.
Edmonton, Alberta

Sonya Corbin
Edmonton, Alberta

Max Raimondi
Edmonton, Alberta

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

RE: Plan 686HW, Block 5A, Lot 17
11230 -105 Street, Basement
Edmonton, Alberta T5G 2M5

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 bedroom window. Openable area was measured to be approximately 19 ½ in x 19 ½ in, which is too small for emergency egress.
- b. Smoke alarm was not installed creating a lack of warning system in case of fire.
- c. Mould contamination on the washroom walls, which is creating a health hazard.
- d. Extensive mould contamination on the bedroom walls, which is creating a health hazard.
- e. Carpet throughout the premises was water soaked due to water infiltration into the basement, which creates a health hazard and potential mould growth.
- f. Improper exterior grading – that is, ground that does not correctly slope away from the foundation, which can allow excessive amounts of groundwater to collect in the soil around basement walls.
- g. Water infiltration into the basement likely through the foundation walls creating water damage and mould growth.

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 174/99 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. Nuisance and General Sanitation Regulation 243/2003 s.2
Mould contamination on the washroom walls, 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.
- d. Nuisance and General Sanitation Regulation 243/2003 s.2
Extensive mould contamination in the bedroom, 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.
- e. Housing Regulation 174/99 s.4
Water soaked carpet throughout the premises 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. Section III(1)(c) of the Minimum Housing and Health Standards which states that: Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- f. Housing Regulation 174/99 s.4
Improper exterior grading 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.
- g. Housing Regulation 174/99 s.4

Water infiltration into the basement suite through the foundation walls is a contravention of section III of the Minimum Housing and Health Standards which states that: The owner shall ensure that the housing premises is structurally sound, in a safe condition, in good repair, and maintained in a waterproof, windproof and weatherproof condition.

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 20, 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. 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 a smoke alarm is properly installed and operational
 - c. Conduct proper mould remediation in the washroom. 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. All mouldy materials must be removed and the area cleaned and dried before repairs and refinishing are completed. 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) Ensure that dryer vent is in good repair and venting outside of the building.
 - d. Conduct proper mould remediation in the bedroom and all affected areas. 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. All mouldy materials must be removed and the area cleaned and dried before repairs and refinishing are completed.

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) Ensure that dryer vent is in good repair and venting outside of the building
- e. Ensure that all water damaged carpet throughout the premises is removed. The area must be assessed to determine the extent of damage and mould contamination. This assessment must include underlay and any other absorbent material in the floor cavities. All mouldy materials must be removed and the area cleaned and dried before repairs are completed.
- f. Provide appropriate grading to ensure that water drains away.
- g. Assess and ensure that foundation walls and associated building components are waterproof and in good repair. Any foundation repairs must be carried out by qualified individuals under the direction of a Professional Engineer.
- c. 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 3, 2011

_____(Original Signed)_____
Elio Moreno, MPH, 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