

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

To: Harry Train
"the Owner"

And

Ken Martin
"the Owner"

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

RE: Those housing premises located in Edmonton, Alberta and municipally described as:
11251 86 Street NW
(Lot 15, Block 95, Plan RN50 [L])

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. The front porch stairs handrail was missing.
- b. The front porch stairs guard was missing.
- c. The front porch guard spindles spacing was measured at 6 inches.
- d. The main entrance door had multiple punctures and was no longer weatherproofed.
- e. There were multiple window screens missing throughout the premises.
- f. There were multiple light and outlet protective covers missing throughout the premises.
- g. The premises was maintained in an unsanitary manner. There was evidence of animal urine and feces throughout the premises.
- h. There was a build-up of garbage, building material, bikes and personal items surrounding the premises.
- i. There were no functional smoke alarms installed throughout the premises.
- j. There were multiple drywall surfaces in disrepair throughout the premises.
- k. There were multiple baseboards throughout the premises that had lifted and detached.
- l. The northwest bedroom window pane was broken.
- m. The northwest bedroom window panes were screwed shut and the window was not openable, impeding emergency egress.
- n. The northwest bedroom door had detached of its hinges and is no longer secured.
- o. The northwest bedroom ceiling showed evidence of water damage and possible mould growth. The ceiling surface had lifted and detached.
- p. The north bedroom door had detached of its hinges and is no longer secured.
- q. The north bedroom window pane was missing.

- r. The north bedroom door interior door casing had lifted and detached.
- s. The northeast bedroom window panes were screwed shut and the window was not openable, impeding emergency egress.
- t. The northeast bedroom window pane was broken.
- u. The northeast bedroom door casing had lifted and detached.
- v. The second floor bathroom window pane was broken.
- w. The second floor bathroom overflow valve was missing.
- x. The second floor bathroom tub faucet handle was missing (cold).
- y. The second floor bathroom shower head had lifted and detached.
- z. The second floor bathroom toilet was not operational.
- aa. The second floor bathroom window panes was broken above the toilet.
- bb. The handrail on the stairs leading to the second floor was missing.
- cc. The ceiling drywall of the stair landing leading to the second floor was actively leaking during the site visit.
- dd. The guards installed on the stairs leading to the second floor were measured and the height ranged from 28 inches to 30 inches.
- ee. The window pane off the stairs landing leading to the second floor was broken.
- ff. The living room floor covering had lifted and detached.
- gg. The north living room window was single paned.
- hh. The main floor bedroom window panes were screwed shut and the window was not openable, impeding emergency egress.
- ii. The main floor bedroom window was single paned.
- jj. The dining room window panes were broken or cracked.
- kk. The dining room windows were single paned.
- ll. There were multiple kitchen floor tiles that were in disrepair.
- mm. There were multiple kitchen cabinet drawers and faces that were in disrepair or had detached.
- nn. The electrical outlet by the kitchen sink basin was not GFI.
- oo. The kitchen window was single paned.
- pp. The kitchen window pane was broken.
- qq. The main floor rear entrance door was not weatherproofed.
- rr. The main floor rear entrance door lock was not operational.
- ss. The main floor rear entrance door casing had lifted and detached.
- tt. The main floor bathroom door surface was in disrepair.
- uu. The bathroom window pane was broken.
- vv. The main floor bathroom window was single paned.
- ww. The main floor bathroom hand sink was plugged and unable to be drained.
- xx. The basement stairs handrail was missing.
- yy. The basement stair guard was missing.
- zz. There were multiple basement drywall surfaces that were unfinished.
- aaa. The basement north bedroom window had multiple panes missing.
- bbb. The basement north bedroom window had security bars installed.
- ccc. The basement north bedroom window openable area was measured to be approximately 15 inches by 27 inches which was too small for emergency egress.

- ddd. There were multiple head clearance concerns noted throughout the bedroom. The ceiling heights ranged between 64 and 69 inches.
- eee. The bedroom south window pane was broken.
- fff. The basement bedroom door was broken.

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 (d and qq) are in contravention of section III(2)(a) of the Minimum Housing and Health Standards which states that: The roof and exterior cladding of walls shall be maintained in a waterproof, windproof and weatherproof condition.
- b. Items (a, b, c, bb, dd, xx and yy) are in contravention of section III(3)(c) of the Minimum Housing and Health Standards which states that: Inside or outside stairs or porches including all treads, risers, supporting structural members, rails, 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.
- c. Items (m, s, hh and ccc) are in 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”).
- d. Item (bbb) is in contravention of section III(3)(b)(ii) of the Minimum Housing and Health Standards which states that: 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.
- e. Item (e) is in contravention of section III(2)(b)(iii) of the Minimum Housing and Health Standards which states that: 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.
- f. Item (f) is in contravention of section IV(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.
- g. Item (i) is in contravention of section IV(12)(a) of the Minimum Housing and Health Standards which states that: Smoke alarms shall be operational and in good repair at all times.
- h. Items (j, k, o, r, u, ff, ss, zz and fff) are 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.
- i. Item (tt) is in 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 other, the floor, the ceiling and where applicable with the bathtub or shower.

- j. Item (ll) is in contravention of section III(5)(b) of the Minimum Housing and Health Standards which states that: 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.
- k. Items (l, q, t, v, aa, ee, jj, pp, uu, aaa and eee) are in 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. Items (w, x, y, z and ww) are in 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.
- m. Item (cc) is in contravention of section III(2)(a) of the Minimum Housing and Health Standards which states that: The roof and exterior cladding of walls shall be maintained in a waterproof, windproof and weatherproof condition.
- n. Item (gg, ii, kk, oo and vv) is in contravention of section III(2)(b)(ii) of the Minimum Housing and Health Standards which states that: 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.
- o. Item (mm) is in contravention of section IV(14)(a)(ii) of the Minimum Housing and Health Standards which states that: Every housing premises shall be provided with a food preparation area, which includes: cupboards or other facilities suitable for the storage of food.
- p. Item (rr) is in contravention of section III(3)(a) of the Minimum Housing and Health Standards which states that: Exterior windows and doors shall be capable of being secured.
- q. Items (n, o, p and cc) are in contravention of 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.
- r. Items (g, h, nn and ddd) is in contravention of section 5(2) of the Housing Regulation, 2001 which states that: No person shall cause or permit any condition in housing premises that is or may become injurious or dangerous to the public health, including any condition that may hinder in any way the prevention or suppression of disease.

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 August 1, 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 an Environmental Consultant or Industrial/Occupational Health Hygienist, approved by Alberta Health Services prior to the commencement of renovation or repairs:
 - I. Because of the water infiltration, have the environmental consultant assess the conditions within the above noted premises for all potential water-damaged materials and mould growth. A pre-mould remediation report is required: at a minimum describe the building construction, finishes, materials and components and recommendations for restoration/remediation. Hire the services of a professional remediation company to conduct the remediation. After affected materials have been removed a post-mould remediation report is to be submitted, which is to include environmental air quality sampling and photographic evidence that all mouldy material has been remediated. **Testing and reporting shall follow the applicable requirements outlined in Alberta Health Services' Fungal Air Testing, Investigation and Reporting Requirements for Extensively Mould-Contaminated Buildings.**
 - II. The age of this property makes the presence of asbestos-containing materials (ACM) likely, and therefore precautions must be taken prior to disturbance. The consultant must assess conditions within the premises, including sampling for ACMs. The consultant must ensure proper removal/handling of impacted materials in accordance with current best practices. Any necessary abatement must be done by a certified abatement company. **Provide Environmental Public Health with a copy of the written asbestos management/abatement plan.**
 - III. Any hazardous building materials must be properly managed and disposed of in accordance with government standards and guidelines and industry codes of practice.
- b. After proper testing for asbestos as indicated above, remove and replace all water damaged building material. Water damaged building material are listed below:
 - I. The second floor northwest bedroom ceiling.
 - II. The ceiling of the stair landing leading to the second floor of the premises.
- c. Remove or replace the following damaged building material:
 - I. The northwest bedroom door.
 - II. The north bedroom door.
 - III. The basement bedroom door.
- d. Install a handrail on the stairs leading to the main entrance, stairs leading to the second floor and on the stairs leading to the basement of the premises. Ensure all treads, risers, supporting structural members, rails, guards and balconies, are maintained in good repair and comply with the requirements of the Alberta Building Code.
- e. Install a guard on the porch stairs leading to the main entrance and the stairs leading to the basement. Ensure all treads, risers, supporting structural members, rails, guards and

balconies, are maintained in good repair and comply with the requirements of the Alberta Building Code.

- f. Increase the height of the guard leading to the second floor of the premises to 36 inches and 42 inches were the elevation difference is greater than 6 feet. Ensure all stairs and porches including all treads, risers, supporting structural members, rails, guards and balconies, are maintained in good repair and comply with the requirements of the Alberta Building Code or a Professional Engineer design.
- g. Repair or replace the front porch guard spindles so that the spacing is less than four inches in width. Ensure all treads, risers, supporting structural members, rails, guards and balconies, are maintained in good repair and comply with the requirements of the Alberta Building Code.
- h. Repair or replace the roof of the premises. **Ensure the roof is inspected by a private contractor and a written report is submitted to Alberta Health Services Environmental Public Health for review.**
- i. Install a window screen that is fitted to the opening of the window frame on all exterior windows that can be opened for ventilation. Ensure that 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 is supplied with effective screens.
- j. Repair or replace the main and rear entrance doors and ensure they are properly weatherproofed.
- k. Install or replace all missing light and electrical protective covers throughout the premises. Ensure all outlets, switches and fixtures shall be properly installed and shall be maintained in a good and safe working condition.
- l. Remove and Install a GFI outlet by the kitchen sink basin.
- m. Repair or replace all bedroom windows as listed below, so they comply with emergency egress requirements:
 - I. The second floor northwest bedroom window.
 - II. The second floor northeast bedroom window.
 - III. The main floor bedroom window.
 - IV. The basement bedroom window.

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").

- n. Remove or replace the security bars installed on the basement bedroom window. If the window referred above is provided with security bars, the security bars are must be openable from the inside without the use of any tools or special knowledge.
- o. Repair/install or replace all damaged exterior windows panes, so they are double glazed. Ensure all exterior windows in habitable rooms are 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.
- p. Install an operational smoke alarm on each floor of the premises in or by the bedrooms. Ensure all smoke alarms are operational and in good repair at all times.
- q. Increase the head clearance at the entrance and throughout of the basement bedroom to a minimum of 72 inches. An unobstructed head clearance of 72 inches/6 feet is required throughout the path of egress or decommission the basement as a living space.

- r. Repair or replace all missing window panes throughout the premises including but not limited to bedrooms, bathroom, and common living area. Ensure all windows in a habitable rooms are 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.
 - s. Repair or replace all broken or cracked window panes throughout the premises; including but not limited to bedrooms, bathroom, and common living area.
 - t. Repair or replace the premises floor covering, baseboards and drywall. Ensure all areas have walls and floors that are smooth, non-absorbent to moisture and easy to clean.
 - u. Repair or replace the rear entrance door lock and jamb. Ensure all exterior doors and windows are capable of being secured at all times.
 - v. Repair or replace the broken/damaged kitchen cabinet faces and drawers. Ensure the premises are provided with a food preparation area, which includes: cupboards or other facilities suitable for the storage of food.
 - w. Repair or replace broken or damaged plumbing fixtures, as indicated below:
 - I. The second floor bathroom overflow valve.
 - II. The second floor bathroom tub faucet handle (cold).
 - III. The second floor bathroom shower head.
 - IV. The second floor bathroom toilet.
 - V. The main floor bathroom hand sink drainage.
 - x. Remove all evidence of animal urine and feces in and outside of the premises. Ensure all surfaces have been cleaned and disinfected.
 - y. Remove the build-up of garbage, building material, multiple mattresses, bikes and personal items located at the rear of the premises.
 - z. Ensure that the conditions within the premises meet the requirements outlined in the Minimum Housing and Health Standards. Take any further steps in the interests of preserving and maintaining the health of any person who may, in the future, occupy the above noted premises as may be required by the Executive Officer.
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, July 26, 2018.
Confirmation of a verbal order issued to Harry Train on July 18, 2018.

_____ (Original Signed) _____

Alaa (AI) Farhat, 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, 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