

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

To: 2089215 Alberta Ltd. Doureid Al-Darghazli
"the Owner" "the Owner"

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

RE: Those housing premises located in Edmonton, Alberta and municipally described as:
11303 132 Avenue 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:

Common Areas

- a. There was evidence of a cockroach infestation in the building.
- b. There was evidence of a mouse infestation in the building.
- c. The guards along the interior stairs were too low, and the spacing between balusters was greater than 4 inches.
- d. Poor sanitation observed in the common hallways and stairways with debris noted throughout and released fire retardant in the first floor hallway.
- e. Mould and water damage was noted in the following vacant suites: Suite 2, Suite 3, Suite 4, Suite 5, Suite 6 and Suite 14. Mould odour was noted throughout the building.
- f. Insufficient lighting in common hallways and stairways.

Suite 7

- g. There was a cockroach infestation.
- h. There was no smoke alarm installed in the suite.
- i. The electrical outlets were not properly operational in the kitchen.
- j. The bathtub faucet was in disrepair and its hot water knob was missing.

Suite 8

- k. There was an extensive cockroach infestation noted.
- l. There was an extensive mouse infestation noted.
- m. There was no smoke alarm installed in the suite.
- n. The kitchen tap was dripping.
- o. The bathroom fan was not operational.

Suite 10

- p. There was a cockroach infestation.
- q. There was a mouse infestation.
- r. The smoke alarm was greater than 10 years old and required replacement.
- s. The temperature in the suite was too low and was supplemented with the oven.
- t. The bathroom tap had a continuous drip.

Suite 11

- u. There was no smoke alarm installed in the suite.
- v. There was evidence of a fire at the ventilation fan in the kitchen ceiling.

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. Item (c) is in contravention of section III(3)(c)(i) of the Minimum Housing and Health Standards which states that: 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.
- b. Items (j, n, t) are in contravention of section IV(6) of the Minimum Housing and Health Standards which states that: Every housing premises shall be connected to the public sewage system, or to an approved private sewage disposal system. (a) 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, pumpout sewage holding tanks, septic tanks and the disposal system shall be maintained in a proper operating condition. (b) Adequate water volume and pressure shall be provided to ensure the proper operation and flushing of all fixtures. (c) All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.
- c. Item (o) is in contravention of section IV(7)(c) of the Minimum Housing and Health Standards which states that: All rooms containing a flush toilet and/or bathtub or shower shall be provided with natural or mechanical ventilation.
- d. Item (s) is in contravention of section IV(8) of the Minimum Housing and Health Standards which states that: (a) All heating facilities within a housing premises are to be properly installed and maintained in good working condition, and be capable of safely and adequately heating all habitable rooms, bathrooms, and toilet rooms within the building to a temperature of ; (i) at least 22 degrees C(71 degrees F), or (i) maintained at a temperature of at least 22 degrees C(71 degrees F) when the control of the supplied heat in a dwelling is the responsibility of a person other than the occupant. (b) When the outside temperature is colder than the winter design temperature as referenced in the Alberta Building Code(97) Section 2.2.1.1 and Appendix C, then the Executive Officer may permit an indoor temperature of less than 22 degrees C(71 degrees F) but greater than 16 degrees C (60 degrees F). (c) Cooking appliances and portable space heaters shall not be used as the primary source for the required heat to a habitable room. (d) Every owner must ensure a continuous supply of electricity, water and heat unless the rental agreement stipulates that such utility services are the sole responsibility of the occupant.
- e. Item (i) 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.
- f. Items (h, m, r, u) are in 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. (a) Smoke alarms shall be operational and in good repair at all times.
- g. Item (f) is in contravention of section IV(13) of the Minimum Housing and Health Standards which states that: Every public hallway and stairway in a housing premises with multiple dwellings shall be adequately lighted by natural or artificial light at all times, providing in all parts thereof at least 50 lux of light at each tread or floor level.
 - h. Items (d) is in contravention of section V(16) of the Minimum Housing and Health Standards which states that: The owner shall ensure that all rooms and other areas used in common by the occupants of the individual dwellings are maintained in a clean and sanitary condition.
 - i. Items (a, b, g, k, l, p, q) are in contravention of section V(16)(a) of the Minimum Housing and Health Standards which states that: (a) The owner shall ensure that the housing premises are free of insect and rodent infestations; and (i) all situations requiring the application of pesticides must be applied in accordance with the Environmental Protection and Enhancement Act and regulation; and (ii) whenever a pesticide is applied in a dwelling, the occupant shall be notified in accordance with the latest edition of the Environmental Code of Practice for Pesticides published by Alberta Environmental Protection. (iii) it is the occupants responsibility to allow access in accordance to the Residential Tenancy Act to do whatever is necessary to ensure the dwelling unit is ready for pesticide application.
 - j. Items (e, v) 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.

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 **May 31, 2022**.
2. That the Owner diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Repair or replace the damaged wall, ceiling and floor finishes in the premises, including the water damaged and mouldy materials noted in Suites 2-6 and Suite 14. 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**

- a. Assess the source(s) of water infiltration in the building, including Suites 2-6 and Suite 14, and repair as required. **Provide Environmental Public Health with the documentation.**
 - b. Ensure that the handrails and guards along the interior stairs meet the requirements of the current Alberta Building Code.
 - c. Ensure that the common hallways and stairways are always adequately lighted.
 - d. Ensure that the plumbing fixtures are in good repair and are free from leaks including: the bathtub faucet in Suite 7, the kitchen tap in Suite 8, and the bathroom tap in Suite 10.
 - e. Repair the bathroom fan in Suite 8 so that it is proper operating condition.
 - f. Ensure that the heating facilities are in good repair and are capable of be capable of safely and adequately heating all habitable rooms, bathrooms, and toilet rooms within the building to a temperature of at least 22 degrees C (71 degrees F), including Suite 10.
 - g. Hire a qualified electrical contractor to assess the electrical service in Suite 8, and repair and/or upgrade as necessary. **Provide Environmental Public Health with the documentation.**
 - h. Ensure that operational smoke alarms are installed in each unit, between each sleeping area and the remainder of the suite. These smoke alarms must be less than 10 years old.
 - i. Ensure that the common areas are maintained in a clean and sanitary condition.
 - j. Hire a certified pest control company to inspect and develop a treatment plan for cockroaches and mice for the entire building. An integrated pest control management program must be implemented for the building and all recommendations of the certified pest control company must be followed. **Reports are to be submitted to this office.**
 - k. Ensure that the property meets the Minimum Housing and Health Standards prior to occupancy.
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 Unfit for Human Habitation.

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, May 10, 2022

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: <https://www.alberta.ca/public-health-appeal-board.aspx>

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: <https://www.alberta.ca/health-standards-and-guidelines.aspx>

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