

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

**To:** Art Investment Inc. Dionne Mascarenhas Andrew Buryas  
"the Owner" "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:  
11312 84 Street NW T5B 3B2

**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. There is a crack in the foundation visible in the area under the stairs.
- b. There is mould along all the bottom of walls of the basement side room.
- c. The walls and floors of the basement had high levels of moisture indicated by moisture meter.
- d. The window's openable area in the basement side room measured 10 inches by 13 and a half inches. The main basement space window's openable area measured 14 and a half inches by 21 inches.
- e. The head room clearance at the basement stairs measured 5 feet 10 inches.
- f. The handrail to the basement is loose.
- g. Insect screens are missing from windows 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. There is a crack in the foundation visible in the area under the stairs. This is in contravention of Section 1(a) of the Minimum Housing and Health Standards, which states "The housing premises shall be structurally sound."
- b. There is mould along all the bottom of walls of the basement side room. This is in contravention of Section 5(2) of the Housing Regulation, which states "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."
- c. The walls and floors of the basement had high levels of moisture indicated by moisture meter. This is in contravention of Section 1(b) of the Minimum Housing and Health Standards, which states "Basements, cellars or crawl spaces shall be structurally sound, maintained in good repair and free from water infiltration and accumulation."

- d. The window's openable area in the basement side room measured 10 inches by 13 and a half inches. The main basement space window's openable area measured 14 and a half inches by 21 inches. This is in contravention of Section 3(b)(i)&(ii) of the Minimum Housing and Health Standards, which states "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. (ii) Windows referred to in section 3(b)(i) shall provide unobstructed openings with areas not less than 0.35 m<sup>2</sup> (3.8ft<sup>2</sup>), with no dimension less than 380 mm (15")."
- e. The head room clearance at the basement stairs measured 5 feet 10 inches. This is in contravention of Section 5(2) of the Housing Regulation, which states "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."
- f. The handrail to the basement is loose. This is in contravention of Section 3(c)(i) 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."
- g. Insect screens are missing from windows throughout the premises. This is in contravention of 2(b)(iii) of the Minimum Housing and Health Standards, which 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."

**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 4, 2023.
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 Foundation Contractor or Professional Engineer, registered to practice in the Province of Alberta, to provide a structural certification report on the structural integrity of the home. This report shall:
    - Provide the engineer's professional opinion on the structural integrity of the foundation, with specific comment on the individual component thereof and whether the building is safe for occupancy.
    - Be accompanied by a detailed design repair method, complete with drawings or plans to be affixed with the Engineer's signature and professional seal.The repairs must be carried out by a qualified individual under the direction of the Professional Engineer.
  - b. Remove water damaged and moulded building material following requirements of Alberta Asbestos Abatement Manual and Alberta Occupational Health and Safety.

- Investigate the source of the leak and provide all documentation to the offices of Environmental Public Health.
- Remove the moulded and water damaged material and leave open for a Public Health Inspector to inspect.
  - Once inspection is completed, make necessary repairs noted by Public Health Inspector at the time of inspection.
- c. Replace windows so that openable area measures 3.8 square feet with a dimension of not less than 15 inches or sign a room rental agreement that indicates the premises can only be rented as a single bedroom dwelling.
- d. Ensure that the basement is not used as living space unless the height measured at the stairs is 6 feet or greater.
- e. Fasten the handrail to the basement so that it is secure.
- f. Install insect screens where they are missing from openable windows.
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 24, 2023.

Confirmation of a verbal order issued to Andrew Buryas on July 20, 2023.

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](mailto:HealthAppealBoard@gov.ab.ca)  
Website: <https://www.alberta.ca/public-health-appeal-board.aspx>

A Notice of Appeal form may be obtained by contacting the Public Health Appeal Board or visiting their website.

#### Health Legislation, Regulations and Standards

Electronic versions of the Public Health Act and Regulations are available at the Alberta King's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or <https://www.alberta.ca/alberta-kings-printer.aspx>.

Health Legislation and regulations are available for purchase. Please contact Alberta King's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or <https://www.alberta.ca/alberta-kings-printer.aspx>.

**Copies of standards are available by visiting:** <https://www.alberta.ca/health-standards-and-guidelines.aspx>

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Edmonton • Environmental Public Health

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<https://www.ahs.ca/eph>