

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

To: Calvin Mak Kon Teng Chan
"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:

11404 88 Street NW Edmonton, Alberta T5B 3R1

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 window in Room 1 was screwed shut. As a result, it was not possible to open the window and exit the room in the event of an emergency.
- b. The window in Room 2 was missing the window crank. As a result, it was not possible to open the window and exit the room in the event of an emergency.
- c. The window in Room 3 did not provide emergency egress to the exterior of the home (the window in the room only provided emergency egress to the enclosed front porch space).
- d. There was a mattress, bedding, and belongings present in the basement. There was no means of emergency egress in this space.
- e. There was visible, pooling sewage observed in the basement.
- f. There were no working smoking alarms present to service the bedrooms and notify the occupants in the event of an emergency.
- g. The handle of the back door was in disrepair at the time of inspection.
- h. The foundation of the home was in disrepair. There were cracks visible on the interior and exterior of the foundation.
- i. The sinks in the washroom and kitchen were both leaking at the time of inspection (buckets were observed below the sink which were being used to catch the draining/leaking water).
- j. The ventilation fan in the washroom was not working at the time of inspection.
- k. The ceiling in the washroom was damaged (there was water staining present along the ceiling material).
- l. There was no handrail present along the stairway to the upstairs of the home.
- m. A number of the windows throughout the home were cracked/broken (including: the bedroom window in Room 1, the bedroom window in Room 2, and the window to the left of the front entrance).
- n. A number of exterior the windows throughout the home were missing insect screens.
- o. The front, right stove top was not working at the time of inspection.

- p. The kitchen counter was lifting and damaged. As a result, the surface was not smooth, impervious to moisture, and easy to clean.
- q. A number of the finishes in the home were in disrepair, including: the walls around the back entrance to the home (adjacent to the kitchen), the trim around the door of Room 2, the walls and joints around the shower in the bathroom, the flooring in the kitchen, the wall in the kitchen (which was cracked), and the ceiling in the living room.
- r. There was mould present along the caulking behind the kitchen sink.

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. The window in Room 1 was screwed shut. As a result, it was not possible to open the window and exit the room in the event of an emergency. This is in contravention of Section 3(b)(i) of the Minimum Housing and Health Standards, which states that *“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.”*
- b. The window in Room 2 was missing the window crank. As a result, it was not possible to open the window and exit the room in the event of an emergency. This is in contravention of Section 3(b)(i) of the Minimum Housing and Health Standards, which states that *“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.”*
- c. The window in Room 3 did not provide emergency egress to the exterior of the home (the window in the room only provided emergency egress to the enclosed front porch space). This is in contravention of Section 3(b)(i) of the Minimum Housing and Health Standards, which states that *“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.”*
- d. There was a mattress, bedding, and belongings present in the basement. There was no means of emergency egress in this space. This is in contravention of Section 3(b)(i) of the Minimum Housing and Health Standards, which states that *“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.”*
- e. There was visible, pooling sewage observed in the basement. This is in contravention of Sections 6(a) and 16 of the Minimum Housing and Health Standards, which state that *“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.”*, and, *“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.”*, respectively.
- f. There were no working smoking alarms present to service the bedrooms and notify the occupants in the event of an emergency. This is in contravention of Section 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.” Furthermore, that “Smoke alarms shall be operational and in good repair at all times.”

- g. The handle of the back door was in disrepair at the time of inspection. This is in contravention of Section 3(a) of the Minimum Housing and Health Standards, which states that *“Exterior windows and doors shall be capable of being secured.”*
- h. There were cracks visible on the interior and exterior of the foundation. This is in contravention of Section 1(a) of the Minimum Housing and Health Standards, which states that *“The housing premises shall be structurally sound.”*
- i. The sinks in the washroom and kitchen were both leaking at the time of inspection (buckets were observed below the sink which were being used to catch the draining/leaking water). This is in contravention of Sections 6(a) and (c) of the Minimum Housing and Health Standards, which state that *“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.”*, and furthermore that, *“All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.”*
- j. The ventilation fan in the washroom was not working at the time of inspection. This is in contravention of Section 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.”*
- k. The ceiling in the washroom was damaged (there was water staining present along the ceiling material). This is in contravention of Section 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.”*
- l. There was no handrail present along the stairway to the upstairs of the home. This is in contravention of Section 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.”*
- m. A number of the windows throughout the home were cracked/broken (including: the bedroom window in Room 1, the bedroom window in Room 2, and the window to the left of the front entrance). This is in contravention of Section 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.”*
- n. A number of the exterior windows throughout the home were missing insect screens. This is in contravention of Section 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.”*
- o. The front, right stove top was not working at the time of inspection. This is in contravention of Section 14(a)(iv) of the Minimum Housing and Health Standards, which states that *“Every housing premises shall be provided with a food preparation area, which includes a stove and a refrigerator that are maintained in a safe and proper operating condition. The refrigerator shall be capable of maintaining a temperature of 4 degrees C. (400F).”*
- p. The kitchen counter was lifting and damaged. As a result, the surface was not smooth, impervious to moisture, and easy to clean. This is in contravention of Section 14(a)(iii) of the Minimum Housing and Health Standards, which states that *“Every housing premises*

shall be provided with a food preparation area, which includes a counter or table used for food preparation which shall be of sound construction and furnished with surfaces that are easily cleaned.”

- q. A number of the finishes in the home were in disrepair, including: the walls around the back entrance to the home (adjacent to the kitchen), the trim around the door of Room 2, the walls and joints around the shower in the bathroom, the flooring in the kitchen, the wall in the kitchen (which was cracked), and the ceiling in the living room. This is in contravention of Section 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. (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. (b) 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.”*
- r. There was mould present along the caulking behind the kitchen sink. This is in contravention of Section 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.”*

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 June 1, 2022.
- 2. That the Owner undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Replace the broken bedroom window in Room 1. Remove the screws to ensure the window is capable of being opened in the event of an emergency.
 - b. Replace the missing window crank in Room 2 to ensure the window is capable of being opened in the event of an emergency.
 - c. Repair the sewage disposal system to ensure that is operating properly (provide evidence of the investigation as to the cause of the back-up and the measures taken to rectify the cause).
 - d. Clean and disinfect the area impacted by the sewage contamination. One may refer to the procedure outlined in the following Alberta Health Services document: <https://www.albertahealthservices.ca/Advisories/ne-pha-cleaning-house.pdf>.
 - e. Install properly working smoke alarms between each sleeping area and the remainder of the suite.
 - f. Hire a qualified foundation contractor or structural engineer to assess the cracks in the foundation and the structural stability of the home. Undertake corrective actions as necessary. **Provide copies of the report/findings to this office.**
 - g. Replace the back door handle to ensure the suite is capable of being secured.
 - h. Repair the sinks in the washroom and kitchen to ensure they are operating properly and free of leaks.
 - i. Repair or replace the ventilation fan in the bathroom.

- j. Remove any water damaged material in the bathroom and replace with new materials.
 - k. Install a handrail along the wall leading to the second story bedrooms.
 - l. Replace the damaged windows in the home, including: the bedroom window in Room 1, the bedroom window in Room 2, and the window to the left of the front entrance.
 - m. Install window screens on any exterior windows that are capable of being opened to the outside.
 - n. Repair the front, right stove top.
 - o. Repair the kitchen counter to ensure the surface is: smooth, impervious to moisture, and easy to clean.
 - p. Repair the damaged finishes in the home.
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, May 18, 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 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 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>

Template revised April 25, 2022

Edmonton • Environmental Public Health

Suite 700, 10055 – 106 Street NW, Edmonton, AB T5J2Y2

www.albertahealthservices.ca/eph.asp