

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

To: 2390510 Alberta Corp. Andrew Ivan Buryas Roman Bouz
"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:

11436 91 Street NW Edmonton, AB T5B 4A5

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 were indications that the structural integrity of the home had been compromised. This included: the ceiling and floors within the kitchen space addition (which were significantly sloped and bowed), the cracks present around the doors, ceiling, and windows of the kitchen addition, the large cracks present in the foundation (when viewed from the basement), and the presence of numerous support structures installed within the basement space. Furthermore, the City of Edmonton Safety Codes Officer involved with the file expressed concerns over the condition of the foundation, addition, and structural integrity of the home.
- b. There was water present along the floor of the basement space.
- c. The headroom clearance from one of the stairs leading from the main floor to the second floor measured 66 inches.
- d. The gap along the bottom of the guardrail (aka the distance between the surface of the rooftop deck addition and the bottom of the guardrail) installed on the rooftop deck addition was >4 inches (the space measured 8.375 inches).
- e. The spindles along the guardrail installed on the deck addition were loose.
- f. The handrail present along the front steps of the home was not graspable.

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 were indications that the structural integrity of the home had been compromised. This included: the ceiling and floors within the kitchen space addition (which were significantly sloped and bowed), the cracks present around the doors, ceiling, and windows of the kitchen addition, the large cracks present in the foundation (when viewed from the basement), and the presence of numerous support structures installed within the basement

- space. Furthermore, the City of Edmonton Safety Codes Officer involved with the file expressed concerns over the condition of the foundation, addition, and structural integrity of the home. This is in contravention of Sections 1(a)-(c) of the Minimum Housing and Health Standards, which states that “(a) The housing premises shall be structurally sound. (b) Basements, cellars or crawl spaces shall be structurally sound, maintained in good repair and free from water infiltration and accumulation. (c) Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.”
- b. There was water present along the floor of the basement space. This is in contravention of Section 1(b) of the Minimum Housing and Health Standards, which states that “Basements, cellars or crawl spaces shall be structurally sound, maintained in good repair and free from water infiltration and accumulation.”
 - c. The headroom clearance from one of the stairs leading from the main floor to the second floor measured 66 inches. This is in contravention of Section 5(2) of the Alberta Housing Regulation (AR 173/99), 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.”
 - d. The gap along the bottom of the guardrail (aka the distance between the surface of the rooftop deck addition and the bottom of the guardrail) installed on the rooftop deck addition was >4 inches (the space measured 8.375 inches). 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.”
 - e. The spindles along the guardrail installed on the deck addition were loose. 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.”
 - f. The handrail present along the front steps of the home was not graspable. 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.”
 - g. A portion of the flooring within the laundry room was not sealed (there had previously been a hole present in this space). 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.”
 - h. The baseboard behind the main floor bathroom handwash sink was water damaged. 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.”
 - i. The West kitchen window was not fitted with an insect screen. The insect screen along the main floor (South) bedroom was torn. 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.”

- j. A portion of the soffit was missing on the South side of the house. This is in contravention of Section 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.”
- k. The exterior door in the kitchen did not form a tight seal with the surrounding frame. As a result, there were gaps present between the door and the frame. 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.”

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 May 15, 2024.
2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Hire the services of a structural engineer (licensed by APEGA) to assess the structural stability of the home. Provide a copy of the reports generated by the structural engineer to Alberta Health Services Environmental Public Health.
 - b. Conduct repairs to the foundation and structural components of the home in adherence to the above-mentioned structural engineer’s report/recommendations. Following repairs, provide a copy of a report from the structural engineer verifying the recommended repairs had been conducted under the guidance of the/a structural engineer (licensed by APEGA).
 - c. Investigate and abate the source of the leaking water into the basement space. Provide information to Alberta Health Services Environmental Public Health as to the source of the water.
 - d. Install high visibility tape along the top ceiling where the headroom clearance is less than 72 inches between the top of the stair(s) and the ceiling above.
 - e. Repair the guardrail along the rooftop deck space. Ensure the spindles are maintained in good condition and that no gaps between spindles/between spindles and the deck surface measure >4 inches.
 - f. Modify the handrail at the front of the home to ensure the handrail is graspable.
 - g. Repair the flooring material within the laundry room to ensure it is smooth, impervious to moisture, and easy to clean.
 - h. Replace the baseboard behind the man floor bathroom handwash sink.
 - i. Install an insect screen along the kitchen window.
 - j. Replace/repair the insect screen in the Main floor (South) bedroom.
 - k. Replace the missing soffit along the South side of the house.
 - l. Install weatherstripping/modify the exterior kitchen door to ensure it forms a tight seal with the surrounding frame.
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 2, 2024

Confirmation of a verbal order issued to Andrew Buryas on May 1, 2024.

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 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>

Edmonton • Environmental Public Health

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www.albertahealthservices.ca/eph.asp