

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

To: Neil Macleod
"the Owner"

And To: Any and all Occupant(s) of the following Housing premises:

RE: Those housing premises located in Edmonton, Alberta and municipally described as:
1149 72 Street NW; Plan 7621269, Block 32, Lot 101

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. Water damage (extensive water leakage, roof leaks- indicated by interior water collection)
- b. Mould growth (extensive fungal contamination to (and not limited to) walls, floors, ceilings)
- c. Building materials collapsed and in disrepair (notably and not limited to main floor ceiling)

AND WHEREAS such inspection disclosed that the following breaches of the Public Health Act and the Nuisance and General Sanitation Regulation and/or 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 [a], [b] and [c] are in contravention of Section 2(1), 2(a) of the Nuisance and General Sanitation Regulation, which states that: No person shall create, commit, or maintain a nuisance. Without limiting the generality of subsection (1), a person who creates, commits, or maintains any premises in a condition that is or might become injurious or dangerous to the public health or that might hinder in any manner the prevention or suppression of disease is deemed to have created, committed, or maintained a nuisance.
- b. Items [a], [b] and [c] are in contravention of Section 5(2) of the Housing Regulation, 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 **Unfit for Human Habitation**.

NOW THEREFORE, I hereby **ORDER** and **DIRECT**:

1. That any occupants vacate the above noted premises immediately.

2. That the Owner undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. If planning for re-occupancy, retain the services of an Environmental Consultant or Industrial/Occupational Health Hygienist, for remediation, renovation, or repairs:
 - (i) In buildings constructed in 1991 or prior, 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/hygienist is to assess the conditions within the above noted premises, 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
 - b. If planning for re-occupancy, remove all mouldy, damaged building materials in accordance with the Alberta Health Services Fungal Air Testing for Mould-Contaminated Buildings requirements: [wf-eh-fungal-air-testing-for-mould-contaminated-buildings.pdf \(albertahealthservices.ca\)](http://www.albertahealthservices.ca/wf-eh-fungal-air-testing-for-mould-contaminated-buildings.pdf). Submit any and all *Reports and final air quality test results are to be submitted to this office.*
 - c. If planning for re-occupancy, remediate, repair, and replace any and all damaged materials, ensuring that the housing premises/building/associated structures are structurally sound, in a safe condition, in good repair, and maintained in waterproof, windproof, and weatherproof condition.
 - d. If planning for demolition of the house and associated buildings on the property, ensure appropriate handling of debris and/or hazardous materials by, including but not be limited to, engaging with the municipality and provincial occupational health and safety department, in procuring permits and associated documents

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, August 30, 2022

Confirmation of a verbal order issued to Neil Macleod on August 23, 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 • 106th Street Tower • Environmental Public Health

Suite 700, 10055 – 106 Street NW, Edmonton, Alberta, Canada T5J 2Y2

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