

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

To: Art Invest INC. Dionne Mascarenhas 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:

11705 94 St NW Edmonton, AB T5G 1J1

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 three people sleeping within the basement space. The window within the basement was too small to meet emergency egress requirements (the openable area of the window was < 3.8 ft²).
- b. The windows in the front bedroom (West side of the home, adjacent to the front door) were not capable of remaining in an open position.
- c. The openable area of the window in the upstairs, right-hand bedroom was not large enough to meet emergency egress requirements. The openable area of the window measured 20.5" x 15" (2.14 ft²).
- d. The basement window was not capable of being locked.
- e. There were no smoke alarms installed between the bedrooms of the home and the remainder of the home.
- f. There was no handrail installed along the stairs/ramp at the front of the home. There was no guardrail present around the platform at the front entrance of the home.
- g. There was no handrail present along the basement stairs.
- h. There was a hasp present along the outside of the door to the front bedroom (West side of the home, adjacent to the front door).
- i. One of the permanent support posts in the basement appeared to have been removed. As a result, the City of Edmonton Safety Codes Officer on-site indicated there was a concern regarding the structural stability of the home.

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 three people sleeping within the basement space. The window within the basement was too small to meet emergency egress requirements (the openable area of

the window was $< 3.8 \text{ ft}^2$). This is in contravention of Section 3(b)(ii) of the Minimum Housing and Health Standards, which states that "Windows referred to in section 3(b)(i) shall provide unobstructed openings with areas not less than 0.35 m^2 (3.8 ft^2), with no dimension less than 380 mm (15")."

- b. The windows in the front bedroom (West side of the home, adjacent to the front door) were not capable of remaining in an open position. This is in contravention of Sections 3(b)(i) and 3(b)(ii) of the Minimum Housing and Health Standards, which state that "(i) 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^2 (3.8 ft^2), with no dimension less than 380 mm (15")."
- c. The openable area of the window in the upstairs, right-hand bedroom was not large enough to meet emergency egress requirements. The openable area of the window measured $20.5" \times 15"$ (2.14 ft^2). This is in contravention of Section 3(b)(ii) of the Minimum Housing and Health Standards, which states that "Windows referred to in section 3(b)(i) shall provide unobstructed openings with areas not less than 0.35 m^2 (3.8 ft^2), with no dimension less than 380 mm (15")."
- d. The basement window was not capable of being locked. 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."
- e. There were no smoke alarms installed between the bedrooms of the home and the remainder of the home. 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. (a) Smoke alarms shall be operational and in good repair at all times."
- f. There was no handrail installed along the stairs/ramp at the front of the home. There was no guardrail present around the platform at the front entrance 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."
- g. There was no handrail present along the basement stairs. 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."
- h. There was a hasp present along the outside of the door to the front bedroom (West side of the home, adjacent to the front door). 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."
- i. One of the permanent support posts in the basement appeared to have been removed. As a result, the City of Edmonton Safety Codes Officer on-site indicated there was a concern regarding the structural stability of the home. This is in contravention of Sections 1(a) and 1(b) 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.”

- j. The following finishes were damaged at the time of inspection: the floor within the kitchen (which had gaps present between the individual sections of the flooring), the floor within the front/West bedroom (which had gaps present between the individual sections of flooring), the trim around the front door (which was broken and missing in places), and the wall along the stairwell to the upstairs portion of the home (which had a large hole present). 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.”
- k. The window in the basement was missing a pane. 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 **Closed for Tenant Accommodation Purposes**.

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

1. That the occupants vacate the above noted premises on or before October 29, 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. Install an emergency egress window within the basement space that will provide an unobstructed opening of at least 3.8 ft². Ensure the appropriate permits are obtained from the City of Edmonton to conduct the work (if applicable).
 - b. Replace the window in the upstairs, righthand bedroom to ensure the emergency egress window provides an unobstructed opening of at least 3.8 ft².
 - c. Modify the window(s) in the front bedroom (West side of the home) to ensure at least one window is capable of being maintained in an open position during egress.
 - d. Hire the services of an APEGA (The Association of Professional Engineers and Geoscientists of Alberta) certified engineer to assess the structural stability of the home. Conduct repairs to the home in consultation with the APEGA certified engineer. Provide a copy of the assessment report from the above-mentioned engineer to Alberta Health Services Environmental Public Health.
 - e. Install a lock on the basement window.
 - f. Install smoke alarms between the bedrooms and the remainder of the home.
 - g. Install a handrail and guardrail along the front entrance of the home. Ensure the handrail and guardrail meet the relevant requirements of the Alberta Building Code.

- h. Install a handrail along the basement stairwell. Ensure the handrail meets the relevant requirements of the Alberta Building Code.
 - i. Remove the hasp from the exterior of the door for the front bedroom of the home.
 - j. Repair/replace the following finishes: the floor within the kitchen, the floor within the front/West bedroom, the trim around the front door, and the wall along the stairwell to the upstairs portion of the home.
 - k. Replace the missing windowpane within the basement.
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, October 1, 2024.

Confirmation of an order issued to Dionne Mascarenhas on September 27, 2024.

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
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