

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

To: 1443028 Alberta LTD.
“the Owner”

And

Tasneem Gohar
“the Owner”

And

Jennifer Vuong
“the Owner”

And To: All Occupant(s) of the following Housing premises:

RE: Those housing premises located in Edmonton, Alberta and municipally described as:
**11721 94 Street NW
(Lot 7, Block 34, Plan RN43)**

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 numerous window screens missing throughout the premises.
- b. The rise and run were uneven on the stairs leading to the two south facing bedrooms.
- c. The second floor bathroom tub faucet was in disrepair. Water had to be turned off from the water supply behind the tub access panel.
- d. The HVAC ducting was not properly installed. Ducting throughout the premises was not directly connected to the floor heating boots/vents.
- e. The second floor bathroom shower caulking had lifted and detached.
- f. The second floor bathroom was not equipped with either mechanical or natural ventilation.
- g. The guards installed on the stairs leading to the second floor had spindle spacing that was greater than 4 inches. Spacing between spindles were measured to range between 5-6 inches in width.
- h. The guards installed on the stairs leading to the second floor were not secure (loose/wobbly).

- i. The northeast bedroom window (west facing) was not capable of remaining open once opened impeding emergency egress.
- j. The second floor northeast bedroom bathroom wall tiles (surrounding the tub/shower) caulking had started to lift and detach.
- k. The second floor northeast bedroom bathroom floor tile grout had started to lift and detach.
- l. The main floor bathroom mechanical ventilation had poor suction.
- m. The main floor bathroom hand sink had poor water pressure.
- n. The main floor bathroom hand sink faucet was in disrepair, faucet handles were not operational and water was turned on by the main bathroom water supply.
- o. The main floor bathroom hot water temperature was measured and ranged between 31 and 38 degrees Celsius.
- p. The kitchen floor tile grout had lifted and detached.
- q. The kitchen wall light switch was in disrepair.
- r. The kitchen electrical protective cover plate was missing.
- s. The electrical outlet in close proximity to the kitchen sink was not equipped with a Ground Fault Circuit Interrupter (GFCI).
- t. The side entrance door leading to the basement suite was not weatherproofed.
- u. The rise and run were uneven on the stairs leading to the basement suite.
- v. The handrail installed on the stairs leading to the basement suite was not continuous.
- w. There was no guard installed on the ledge adjacent to the stairs leading to the basement suite.
- x. There was low head room clearance noted on the stairs leading to the basement. Head clearance was measured to be approximately 66 inches in height (at the bottom two steps).
- y. The lowest head room clearance throughout the basement ranged between 63 to 68 inches.
- z. The middle portion of the basement suite living room flooring has been dug out. There was evidence of water infiltration, resulting in water pooling.
- aa. The basement bathroom toilet was not secure to its base.
- bb. The basement bedroom smoke alarm was not operational.
- cc. There was no window installed in the basement bedroom.
- dd. There was evidence of water damage and mould on the drywall surface adjacent to the bedroom door.
- ee. There basement flooring showed evidence of water damage.
- ff. The exterior stucco on the south facing wall direct below the soffit was in disrepair.
- gg. The basement kitchen fridge was not operational.
- hh. The basement bathroom was not equipped with either mechanical or natural ventilation.

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 numerous window screens missing throughout the premises. This is in contravention of section III(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.

- b. The rise and run were uneven on the stairs leading to the two south facing bedrooms. This is in contravention of section III(3)(c) of the Minimum Housing and Health Standards which states that: Inside or outside stairs or porches including all treads, risers, supporting structural members, rails, 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.
- c. The second floor bathroom tub faucet was in disrepair. Water had to be turned off from the water supply behind the tub access panel. This is in contravention of section IV(6)(c) of the Minimum Housing and Health Standards which states that: All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.
- d. The HVAC ducting was not properly installed. Ducting throughout the premises was not directly connected to the floor heating boots/vents. This is in contravention of section III(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.
- e. The second floor bathroom shower caulking had lifted and detached. This is in contravention of section III(5)(a) of the Minimum Housing and Health Standards which states that: 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.
- f. The second floor bathroom was not equipped with either mechanical or natural ventilation. This is in contravention of section IV(7)(c) of the Minimum Housing and Health Standards which states that: All rooms containing a flush toilet and/or bathtub or shower shall be provided with natural or mechanical ventilation.
- g. The guards installed on the stairs leading to the second floor had spindle spacing that was greater than 4 inches. Spacing between spindles were measured to range between 5-6 inches in width. This is in contravention of section III(3)(c) of the Minimum Housing and Health Standards which states that: Inside or outside stairs or porches including all treads, risers, supporting structural members, rails, 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. The guards installed on the stairs leading to the second floor were not secure (loose/wobbly). This is in contravention of section III(3)(c) of the Minimum Housing and Health Standards which states that: Inside or outside stairs or porches including all treads, risers, supporting structural members, rails, 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.
- i. The northeast bedroom window (west facing) was not capable of remaining open once opened impeding emergency egress. This does not comply with emergency egress requirements. This is in contravention of section III(3)(b)(i) of the Minimum Housing and Health Standards which states that: Windows referred to above shall provide unobstructed openings with areas not less than 0.35 m² (3.8ft²), with no dimension less than 380 mm (15”).
- j. The second floor northeast bedroom bathroom wall tiles (surrounding the tub/shower) caulking had started to lift and detach. This is in contravention of section III(5)(a) of the Minimum

Housing and Health Standards which states that: 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.

- k. The second floor northeast bedroom bathroom floor tile grout had started to lift and detach. This is in contravention of section III(5)(a) of the Minimum Housing and Health Standards which states that: 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.
- l. The main floor bathroom mechanical ventilation had poor suction. This is in contravention of section IV(7)(c) of the Minimum Housing and Health Standards which states that: All rooms containing a flush toilet and/or bathtub or shower shall be provided with natural or mechanical ventilation.
- m. The main floor bathroom hand sink had poor water pressure. This is in contravention of section IV(6)(b) of the Minimum Housing and Health Standards which states that: Adequate water volume and pressure shall be provided to ensure the proper operation and flushing of all fixtures.
- n. The main floor bathroom hand sink faucet was in disrepair, faucet handles were not operational and water was turned on by the main bathroom water supply. This is in contravention of section IV(6)(c) of the Minimum Housing and Health Standards which states that: All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.
- o. The main floor bathroom hot water temperature was measured and ranged between 31 and 38 degrees Celsius. This is in contravention of section IV(9)(a) of the Minimum Housing and Health Standards which states that: All hot running water shall be maintained at a temperature of not less than 46 degrees C (1140F), and not more than 60 degrees C (1400F) measured at the plumbing fixture.
- p. The kitchen floor tile grout had lifted and detached. This is in contravention of section III(5)(a) of the Minimum Housing and Health Standards which states that: 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.
- q. The kitchen wall light switch was in disrepair. This is in contravention of section IV(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.
- r. The kitchen electrical protective cover plate was missing. This is in contravention of section IV(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.
- s. The electrical outlet in close proximity to the kitchen sink was not equipped with a Ground Fault Circuit Interrupter (GFCI). This is in contravention of section IV(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.

- t. The side entrance door leading to the basement suite was not weatherproofed. This is in contravention of section III(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.
- u. The rise and run were uneven on the stairs leading to the basement suite. This is in contravention of section III(3)(c) of the Minimum Housing and Health Standards which states that: Inside or outside stairs or porches including all treads, risers, supporting structural members, rails, 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.
- v. The handrail installed on the stairs leading to the basement suite was not continuous. This is in contravention of section III(3)(c) of the Minimum Housing and Health Standards which states that: Inside or outside stairs or porches including all treads, risers, supporting structural members, rails, 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.
- w. There was no guard installed on the ledge adjacent to the stairs leading to the basement suite. This is in contravention of section III(3)(c) of the Minimum Housing and Health Standards which states that: Inside or outside stairs or porches including all treads, risers, supporting structural members, rails, 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.
- x. There was low head room clearance noted on the stairs leading to the basement. Head clearance was measured to be approximately 66 inches in height (at the bottom two steps). This is in contravention of section 5(2) of the Housing Regulation which states no person shall create, commit or maintain a nuisance by creating, committing or maintaining 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.
- y. The lowest head room clearance throughout the basement ranged between 63 to 68 inches. This is in contravention of section 5(2) of the Housing Regulation which states no person shall create, commit or maintain a nuisance by creating, committing or maintaining 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.
- z. The middle portion of the basement suite living room flooring has been dug out. There was evidence of water infiltration, resulting in water pooling. This is in contravention of section III(1)(a,b) of the Minimum Housing and Health Standards which states that: the housing premises shall be structurally sound, and; basements, cellars or crawl spaces shall be structurally sound, and maintained in good repair and free from water infiltration and accumulation.
- aa. The basement bathroom toilet was not secure to its base. This is in contravention of section III(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.

- bb. The basement bedroom smoke alarm was not operational. This is in contravention of section IV(12)(a) of the Minimum Housing and Health Standards which states that: Smoke alarms shall be operational and in good repair at all times.
- cc. There was no window installed in the basement bedroom. This does not comply with emergency egress requirements. This is in contravention of section III(3)(b)(i) of the Minimum Housing and Health Standards which states that: Windows referred to above shall provide unobstructed openings with areas not less than 0.35 m² (3.8ft²), with no dimension less than 380 mm (15”).
- dd. There was evidence of water damage and mould on the drywall surface adjacent to the bedroom door. This is in contravention of section III(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.
- ee. There basement flooring showed evidence of water damage. This is in contravention of section III(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.
- ff. The exterior stucco on the south facing wall direct below the soffit was in disrepair. This is in contravention of section III(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.
- gg. The basement kitchen fridge was not operational. This is in contravention of section IV(14)(a)(i) 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.
- hh. The basement bathroom was not equipped with either mechanical or natural ventilation. This is in contravention of section IV(7)(c) of the Minimum Housing and Health Standards which states that: All rooms containing a flush toilet and/or bathtub or shower shall be provided with natural or mechanical ventilation.

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 August 24, 2016.
2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. As this home was built prior to 1970 you must retain the services of an **Environmental Consultant or Industrial/Occupational Health Hygienist, be approved by Alberta Health Services and prior to any renovations being completed you must have the Environmental Consultant** assess the conditions within the above noted premises including performing applicable sampling for asbestos containing materials and carrying out

of environmental air quality analyses of the interior spaces (including if applicable the attic, wall and floor cavities, and crawlspaces) for water and mould damage. Ensure that any additional renovation work, including painting, reinstallation of drywall and laying of new flooring and/or sub floors does not occur until suitable air sample results are received and are to the satisfaction of Alberta Health Services.

- b. Ensure all existing structures comply with present day building code as dictated by the City of Edmonton Planning and Development Department.

Due to the structural conditions noted, a full report from a Professional Engineer outlining the structural integrity of the entire building, with specific comment on the individual components thereof (including the foundation, support structure, ceilings, floors, and roof) and whether the building is safe for occupancy. The report must be affixed with the Engineer's signature and professional seal, be accompanied by a detailed design repair method, complete with drawings or plans and if the Engineer's Report identifies required repairs you must provide a written construction schedule outlining the start and completion date for each item identified in the Engineer's design repair method. Where applicable these repairs must be carried out by qualified individuals under the direction of a Professional Engineer. You must request a structural certification report and provide copies to Alberta Health Services and to a Safety Codes Officer (Building Discipline) with the municipality having jurisdiction.

- c. Ensure all exterior windows which are openable are equipped with window screens.
- d. Ensure all treads, risers, supporting structural members, rails, guards and balconies, are maintained in good repair and comply with the requirements of the Alberta Building Code or a Professional Engineer design.
- e. Ensure all plumbing fixtures are serviceable, free from leaks, trapped and vented to the outside.
- f. Ensure all building materials that have been damaged or show evidence of rot or other deterioration are be repaired or replaced.
- g. Ensure all walls, windows, ceilings, floors, and floor coverings are maintained in good repair, free of cracks, holes, loose or lifting coverings and in a condition that renders it easy to clean.
- h. Ensure all rooms containing a flush toilet and/or bathtub or shower are provided with natural or mechanical ventilation.
- i. Ensure all bedroom windows comply with emergency egress requirements.
- j. Ensure all outlets, switches and fixtures are properly installed and are be maintained in a good and safe working condition.
- k. Ensure all plumbing fixtures are serviceable, free from leaks, trapped and vented to the outside.
- l. Ensure all hot running water are maintained at a temperature of not less than 46 degrees C (1140F), and not more than 60 degrees C (1400F) measured at the plumbing fixture.
- m. Ensure all exterior windows and doors are weatherproofed.

- n. Ensure the housing premise are structurally sound, and; basements, cellars or crawl spaces are structurally sound, and maintained in good repair and free from water infiltration and accumulation.
 - o. Ensure all smoke alarms are operational.
 - p. Ensure the kitchen fridge is maintained in a safe and proper operating condition. The refrigerator shall be capable of maintaining a temperature of 4 degrees C.
 - q. Have the heating system inspected by a licensed qualified Heating and Ventilation technician. A full inspection report outlining the inspection was done and all the required work was completed must be provided to this office.
 - r.
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 24, 2016

Confirmation of a verbal order issued to Jennifer Vuong on August 17, 2016.

| _____ (Original Signed) _____
Alaa (Al) Farhat, CPHI(C)
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, Telus Plaza North Tower
10025 Jasper Avenue NW
Edmonton, Alberta, T5J 1S6
Phone: 780-427-2813
Fax: 780-422-0914
Email: HealthAppealBoard@gov.ab.ca
Website: <http://www.health.alberta.ca/about/PHAB.html>

A Notice of Appeal form may be obtained by contacting Alberta Health Services at 780-342-0122 or by contacting the Public Health Appeal Board.

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: www.health.alberta.ca/about/health-legislation.html

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

www.albertahealthservices.ca/eph.asp