

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

**To:** **Louis Manuel Branco and Louise Rose Branco  
Edmonton, AB**

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

**RE:** **11824 – 54 Street, Edmonton, AB  
Plan 4636AB, Block 44, Lot 30**

**WHEREAS** I, an **Executive Officer** of **Alberta Health Services**, have inspected the above 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 the prevention or suppression of disease, namely:

- a. **Structural Deficiency/Disrepair:** floor shifting in several areas of mainfloor was observed, which indicates possible structural deficiencies and safety hazards.
- b. **Damaged/Rotten Building Materials:** extensive water damaged/rotten wooden flooring underneath the bathroom area was observed due to leakage from the bathtub, which indicates the structure was not in good repair and posing a safety hazard.
- c. **Weatherproofing Deficiencies:** roofing lifting was observed on the south side of the premises, and missing soffit was observed on the north side of the premises, which indicates the structure was not in good repair and increasing the risk of water infiltration.
- d. **Un-Accepted Bedroom Window:** the bedroom windows were not openable at the time of inspection, they were nailed/painted shut, which could not be used as emergency egresses in case of fire or other emergency situations.
- e. **Plumbing System Deficiencies:** leaking from the bathtub was observed during inspection, which is causing rot and mould growth on the underneath wood flooring.
- f. **Smoke Alarm Missing or Not Installed:** the smoke alarm was taken off during inspection, resulting in no early warning detection system in the case of a fire.
- g. **Vermin ( Infestation):** mouse droppings were observed in the kitchen area, increasing risk of disease transmission.

**AND WHEREAS** such inspection disclosed that the following breaches of the Public Health Act and the Regulations there under exist in and about the above noted premises, namely:

- a. ***Housing Regulation 173/99 s. 4***  
Structural deficiency/disrepair is in contravention of section 1 (a) of Minimum Housing and Health Standards which states: the housing premises shall be structurally sound; The structural deficiency/disrepair is also in contravention of section 1(d) of Minimum Housing and Health Standards which states: repairs or

modification of any structural element of the housing premises may require the design and or supervision of a professional structural engineer or a Safety Codes Officer ( Building Discipline).

**b. *Housing Regulation 173/99 s. 4***

Damaged/rotten building materials is in contravention of section 1( c) of Minimum Housing and Health Standards which states: building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replace.

**c. *Housing Regulation 173/99 s. 4***

Weatherproofing deficiencies is in contravention of section 2(a) of Minimum Housing and Health Standards which states: the roof and exterior cladding of walls shall be maintained in good repair and free from water infiltration and accumulation.

**d. *Housing Regulation 173/99 s. 4***

Un-accepted bedroom window is in contravention of section 3(b) of Minimum Housing and Health Standards which states: Emergency egress- for building of 3 storeys of less and except where a bedroom door provides access directly to the exterior or the suite is sprinkled, 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. *Housing Regulation 173/99 s. 4***

Plumbing system deficiencies is in contravention of section 6 ( c) of Minimum Housing and Health Standards which states: all plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.

**f. *Housing Regulation 173/99 s. 4***

Smoke alarm missing or not installed is in contravention of section 12 of Minimum Housing and Health Standards which states: 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 alarm shall be operational and in good repair at all times.

**g. *Housing Regulation 173/99 s. 4***

Vermin infestation is in contravention of 16 ( a) of Minimum Housing and Health Standards which states: the owner shall ensure that the housing premises are free of insect and rodent infestations; and (i) all situations requiring the application of pesticides shall be conducted in accordance with the Environmental Protection and Enhancement Act and regulation; and (ii) whenever a pesticide is applied in a dwelling, the occupant shall be notified in accordance with the latest edition of the Environmental Code of Practice for Pesticides published by Alberta Environmental Protection.(iii) it is the occupants responsibility to allow access in accordance to the Residential Tenancy Act to do whatever is necessary to ensure the dwelling unit is ready for pesticide application.

**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 **April 2, 2012**.
2. That the owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:

- a. Assess and repair the premises. 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.

The report shall:

- a) provide the Engineer's professional opinion on the structural integrity of the entire building, with specific comment of the individual component thereof ( including the foundation, support structure, ceilings, floors, and roof) and whether the building is safe for occupancy.
  - b) be affixed with the Engineer's signature and professional seal.
  - c) be accompanied by a detailed design repair method, complete with drawings or plans and be affixed with the Engineers' signature and professional seal.
  - d) if the Engineer's Report identifies required repairs in accordance with item (c) above you must provide a written construction schedule outlining the start and complete date for each item identified in the Engineer's design repair method.
- b. Remove and repair all the materials that have been damaged or show evidence of rot or other deterioration. This includes, but is not limited to, any of the materials in the premises that were affected by water infiltration.
  - c. Ensure that the housing premises is structurally sound, in a safe condition, in good repair, and maintained in a waterproof, weatherproof, and windproof condition.
  - d. Repair the bedroom windows and ensure that all rooms used for sleeping purposes are equipped with windows that have a minimum openable area of 0.35 m<sup>2</sup> (3.8ft<sup>2</sup>), with no dimension less than 380 mm (15").
  - e. Repair the bathtub plumbing fixtures and ensure they are free from leaks.
  - f. Install smoke alarms and ensure they are operational and in good repair at all times.
  - g. Retain services of a professional pest control operator and ensure that the housing premises is free of insect and rodent infestations.
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, **March 29, 2012**.

\_\_\_\_(Original Signed)\_\_\_\_\_  
Dengzhong Wang, CPHI(C)  
Executive Officer  
Environmental Health Officer  
Suite 700, 10055 – 106 Street  
Edmonton, AB T5J 2Y2  
Phone: (780) 735-1800  
Fax: (780) 735-1801

## **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 within ten (10) days after receiving the order to the Public Health Appeal Board located at 24<sup>th</sup> Floor, Telus Plaza, 10025 - Jasper Avenue, Edmonton, Alberta, T5J 1S6. Telephone (780) 427-2813.

The terms of this Order remain in effect notwithstanding the filing or proposed filing of any such appeal. If you appeal, you may also make an application to the Board for a stay of this Order pending the appeal.

A copy of the Public Health Appeal form may be obtained by contacting Alberta Health Services at (780) 342-0122, or the Public Health Appeal Board (780) 427-2813.

You are advised that all orders remain in effect pending such an appeal

## **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](http://www.qp.gov.ab.ca).*

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*Copies of standards are available by contacting the Health Protection Branch of Alberta Health & Wellness at (780) 427-4518, or by visiting: [www.health.alberta.ca/about/health-legislation.html](http://www.health.alberta.ca/about/health-legislation.html)*