

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

**To:** Grace Margaret Dwyer      Don Dwyer  
"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:  
11912 132 Street NW Edmonton, AB T5L 1P4

**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. The furnace was not in operation at the time of inspection. The temperature along the walls of the East room (upstairs) measured 13°C.
- b. There were no working smoke alarms installed outside of the bedrooms along the main floor/upstairs.
- c. The stove was not in operation at the time of inspection.
- d. The lock for the back door was in disrepair.
- e. The window in the West (main floor) bedroom was broken. One of the panes had been replaced with a piece of plywood. To facilitate egress, the plywood windowpane would have to be maneuvered around the interior windowpane. As a result, the window does not meet emergency egress requirements.
- f. The openable area of the window in the East (main floor) bedroom was too small to meet emergency egress requirements. The openable area of the window (the internal panes) measured <3.8 ft<sup>2</sup>.
- g. The window in the West (upstairs) bedroom was unable to remain in an open position. As a result, an individual egressing the space would need to hold the window open during escape.

**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. The furnace was not in operation at the time of inspection. The temperature along the walls of the East room (upstairs) measured 13°C. This is in contravention of Section 8(a) of the Minimum Housing and Health Standards, which states that "All heating facilities within a housing premises are to be properly installed and maintained in good working condition, and be capable of safely and adequately heating all habitable rooms,

- bathrooms, and toilet rooms within the building to a temperature of ; (i) at least 22°C(71°F), or (i) maintained at a temperature of at least 22°C(71°F) when the control of the supplied heat in a dwelling is the responsibility of a person other than the occupant.”
- b. There were no working smoke alarms installed outside of the bedrooms along the main floor/upstairs. 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.”
  - c. The stove was not in operation at the time of inspection. This is in contravention of Section 14(a)(iv) of the Minimum Housing and Health Standards, which states that “(iv) 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. (40°F).”
  - d. The lock for the back door was in disrepair. This is in contravention of Section 3(a) of the Minimum Housing and Health Standards, which states that “Locking Window and Door Hardware Exterior windows and doors shall be capable of being secured.”
  - e. The window in the West (main floor) bedroom was broken. One of the panes had been replaced with a piece of plywood. To facilitate egress, the plywood windowpane would have to be maneuvered around the interior windowpane. As a result, the window does not meet emergency egress requirements. This is in contravention of Section 3(b)(i) of the Minimum Housing and Health Standards, which states that “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.”
  - f. The openable area of the window in the East (main floor) bedroom was too small to meet emergency egress requirements. The openable area of the window (the internal panes) measured <3.8 ft<sup>2</sup>. This is in contravention of Section 3(b)(i) and 3(b)(ii) of the Minimum Housing and Health Standards, which states 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<sup>2</sup> (3.8ft<sup>2</sup>), with no dimension less than 380 mm (15”).”
  - g. The window in the West (upstairs) bedroom was unable to remain in an open position. As a result, an individual egressing the space would need to hold the window open during escape. This is in contravention of Section 3(b)(i) and 3(b)(ii) of the Minimum Housing and Health Standards, which states that “This is in contravention of Section 3(b)(i) and 3(b)(ii) of the Minimum Housing and Health Standards, which states 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<sup>2</sup> (3.8ft<sup>2</sup>), with no dimension less than 380 mm (15”).”
  - h. The ceiling in the main floor bathroom was unfinished. The ceiling consisted of plastic and insulation (which appeared to have been water-damaged). 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.”

- i. The walls of the shower were unfinished. As a result, the surface was not smooth, impervious to moisture, and easy to clean. This is in contravention of Section 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.”
- j. The trim around the back door was damaged. 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.”
- k. The sink in the kitchen was plugged. This is in contravention of Section 6(a) of the Minimum Housing and Health Standards, which states that “The plumbing system and the sanitary drainage system or private sewage disposal system, as the case may be, including drains, fixtures, traps, vents, stacks, waste disposal facilities, pumpout sewage holding tanks, septic tanks and the disposal system shall be maintained in a proper operating condition.”
- l. The sink faucet in the upstairs bathroom was loose. The sink was also draining slowly. This is in contravention of Section 6(a) of the Minimum Housing and Health Standards, which states that “The plumbing system and the sanitary drainage system or private sewage disposal system, as the case may be, including drains, fixtures, traps, vents, stacks, waste disposal facilities, pumpout sewage holding tanks, septic tanks and the disposal system shall be maintained in a proper operating condition.”
- m. One of the pipes in the basement (located above the hot water tank) was leaking at the time of inspection. This is in contravention of Section 6(a) of the Minimum Housing and Health Standards, which states that “The plumbing system and the sanitary drainage system or private sewage disposal system, as the case may be, including drains, fixtures, traps, vents, stacks, waste disposal facilities, pumpout sewage holding tanks, septic tanks and the disposal system shall be maintained in a proper operating condition.”
- n. The following windows were cracked/broken: the window in the kitchen (which, as a result, was single-paned), one of the windowpanes along the West (main floor) bedroom, the basement windows, the windows in the East (main floor) bedroom, and the window in the West (upstairs) bedroom. 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.”
- o. The seal around the back door was missing. As a result, the door was not weatherproof. 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 November 1, 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. Repair or replace the furnace to ensure it is capable of maintaining a temperature of at least 22°C within the home.
  - b. Install smoke alarms outside of the bedrooms and the remainder of the home. Ensure the smoke alarm is maintained in proper, operating condition at all times.
  - c. Repair/replace the stove to ensure it is operating properly.
  - d. Repair/replace the lock along the back door.
  - e. Replace the broken window in the West (main floor) bedroom. The window must provide an unobstructed opening of at least 3.8 ft<sup>2</sup> (with no dimension less than 15 inches).
  - f. Replace the window in the East (main floor) bedroom with a window that provides an unobstructed opening of at least 3.8 ft<sup>2</sup> (with no dimension less than 15 inches).
  - g. Repair or replace the window in the West (main floor) bedroom to ensure it is capable of being maintained in an open position during egress.
  - h. Replace the ceiling along the main floor bathroom. Remove any water damaged materials. The ceilings/walls/floors of the bathroom must provide a smooth finish, that is easy to clean and impervious to moisture.
  - i. Repair the surface of the shower wall to ensure it provides a surface that is: smooth, impervious to moisture, and easy to clean.
  - j. Repair/replace the trim around the back door.
  - k. Repair the sink in the kitchen to ensure it is draining properly.
  - l. Repair the faucet in the upstairs bathroom to ensure it is installed tight to the mount.
  - m. Repair the drainage system of the upstairs bathroom sink to ensure it is draining properly.
  - n. Repair the pipe (above the hot water tank) to prevent it from leaking.
  - o. Replace the cracked/broken windows around the home.
  - p. Replace the seal around the front door to ensure the front door is weatherproof.
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 21, 2024.

Confirmation of a verbal order issued to Don Dwyer on October 18, 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](mailto: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

900, 10030 107 Street, Edmonton AB T5J 3E4

[www.albertahealthservices.ca/eph.asp](http://www.albertahealthservices.ca/eph.asp)