

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

**To:** 2329402 Alberta Inc.  
"the Owner"

Roman Bouz  
"the Owner"

Emanuel Paulo Ferreira  
"the Owner"

Andrew Ivan Buryas  
"the Owner"

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

**RE:** Those housing premises located in Edmonton, Alberta and municipally described as:  
11925 78 Street NW, Edmonton, AB, T5B 2J6

**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 basement and the main floor toilet were not functional and were plugged.
- b. There was inadequate light on the basement stairs.
- c. The north main floor window was not able to be secured.
- d. The SE main floor room was used as a bedroom and the openable area of the vertical slider window in the SE main floor room was approximately 22.5 inches in width by 19 inches in height = 427.5 square inches. The openable area of the bedroom window does not comply with emergency egress requirements.
- e. A guardrail was missing on one side of the back exterior east entrance stairs.
- f. The back door was broken off its hinge therefore the premises was not secured.
- g. A handrail was missing on the stairs above the basement staircase landing.
- h. A bed was present in the basement and there was no window in the south basement bedroom space.
- i. The basement head clearance is low. The headroom clearance under the duct work was approximately 65 inches. The headroom clearance on a stair towards the bottom basement stair to the ceiling above was approximately 64 inches.
- j. The west exterior staircase guardrail height measured approximately 26 inches. This height is too low.
- k. Guards were missing from the west exterior staircase.

- l. The height of the west exterior porch guardrail was 27 inches. This height is too low.
- m. The opening between the back exterior east entrance guardrails was greater than 100mm. The opening ranged between 4.5 inches to 8 inches.
- n. One of the basement stairs above the landing was weak and showed movement when stepped on.
- o. Some mouse droppings were present in the storage compartment under the stove.
- p. The basement bathtub was unable to drain.
- q. The basement bathroom sink was unable to drain.
- r. The north main floor window was missing one pane of glass.
- s. In the basement a smoke alarm was not installed between each sleeping area and the remainder of the suite.

**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 basement and the main floor toilet were not functional and were 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.
- b. The light switch cover was partly broken at the top of the basement stairs. This is in contravention of section 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.
- c. A cover plate was missing on the electrical outlet below the basement electrical breaker. This is in contravention of section 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.
- d. The corner piece of floor in the basement bathroom was broken. 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.
- e. There was inadequate light on the basement stairs. This is in contravention of section 13 of the Minimum Housing and Health Standards which states that every public hallway and stairway in a housing premises with multiple dwellings shall be adequately lighted by natural or artificial light at all times, providing in all parts thereof at least 50 lux of light at each tread or floor level.
- f. The north main floor window was not able to be secured. 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.
- g. The SE main floor room was used as a bedroom and the openable area of the vertical slider window in the SE main floor room was approximately 22.5 inches in width by 19 inches in height = 427.5 square inches. The openable area of the bedroom window does

not comply with emergency egress requirements. 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<sup>2</sup> (3.8ft<sup>2</sup>), with no dimension less than 380 mm (15").

- h. A guardrail was missing on one side of the back exterior east entrance 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.
- i. The back door was broken off its hinge therefore the premises was not secured. 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.
- j. A handrail was missing on the stairs above the basement staircase landing. 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.
- k. A bed was present in the basement and there was no window in the south basement bedroom space. 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<sup>2</sup> (3.8ft<sup>2</sup>), with no dimension less than 380 mm (15").
- l. The basement head clearance is low. The headroom clearance under the duct work was approximately 65 inches. The headroom clearance on a stair towards the bottom basement stair to the ceiling above was approximately 64 inches. This is in contravention to section 2(1) of the Nuisance and General Sanitation Regulation AR 243/2003 which states that no person shall create, commit or maintain a nuisance. Section 2(2) of the Nuisance and General Sanitation Regulation AR 243/2003 states that without limiting the generality of subsection (1), a person who creates, commits or maintains (a) 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.
- m. The west exterior staircase guardrail height measured approximately 26 inches. This height is too low. 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.
- n. Guards were missing from the west exterior staircase. 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.
- o. The height of the west exterior porch guardrail was 27 inches. This height is too low. 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.

- p. The opening between the back exterior east entrance guardrails was greater than 100mm. The opening ranged between 4.5 inches to 8 inches. 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.
- q. One of the basement stairs above the landing was weak and showed movement when stepped on. 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.
- r. Some mouse droppings were present in the storage compartment under the stove. This is in contravention of section 16(a) of the Minimum Housing and Health Standards which states that the owner shall ensure that the housing premises are free of insect and rodent infestations.
- s. The basement bathtub spout was loose and wobbly. This is in contravention of section 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.
- t. The faceplate under the kitchen sink was detached. This is in contravention of section 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.
- u. The basement bathtub was unable to drain, and the basement bathroom sink was unable to drain. 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.
- v. The north main floor window was missing one pane of glass. This is in contravention of section 2(b)(ii) of the Minimum Housing and Health Standards which states that In housing premises intended for use during the winter months, windows in habitable rooms shall protect against cold weather through the provision of a storm sash, double glazing, or other durable thermal/air resistant barrier as may be approved by the Executive Officer.
- w. An insect screen was missing from the SE main floor room window. This is in contravention of section 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.
- x. The south furnace room window was broken. 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.
- y. In the basement a smoke alarm was not installed between each sleeping area and the remainder of the suite. 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.

**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 Monday, October 14, 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. Fix the basement and main floor toilet so that they are in proper operating condition.
  - b. Replace the light switch cover at the top of the basement stairs.
  - c. Install a cover plate on the electrical outlet below the basement electrical breaker.
  - d. Fix the corner piece of floor in the basement bathroom.
  - e. Ensure adequate lighting on the basement stairs.
  - f. Install a lock on the north main floor window.
  - g. Install an emergency compliant window for the SE main floor room.
  - h. Install a guard that complies with the requirements of the Alberta Building Code on the back exterior east entrance stairs.
  - i. Fix the back door so that it is capable of being secured and is in good repair.
  - j. Install a handrail on the stairs above the basement staircase landing.
  - k. Ensure the bed is removed from the basement and that the basement is not used for sleeping purposes or as a habitable space. Please sign the room restriction letter specifying the basement will not be used for sleeping purposes or as a habitable space.
  - l. Increase the height of the west exterior staircase guardrail so that it complies with the requirements of the Alberta Building Code.
  - m. Install guards on the west exterior staircase.
  - n. Increase the height of the west exterior porch guardrail so that it complies with the requirements of the Alberta Building Code.
  - o. Fix the back exterior east entrance guardrails so it complies with the requirements of the Alberta Building Code.
  - p. Fix the basement stair above the landing that showed movement.
  - q. Implement pest control, and clean and disinfect the area under the stove adhering to proper sanitation precautions.
  - r. Fix the basement bathtub spout so that it is secure.
  - s. Replace the faceplate under the kitchen sink.
  - t. Unclog the basement bathtub and basement bathroom sink so that they can drain.
  - u. Install the missing pane of glass on the north main floor window.
  - v. Install an insect screen on the SE main floor room window.
  - w. Replace the broken window in the south furnace room.

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 a verbal order issued to Andrew Buryas on Wednesday, September 25, 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>

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