

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

To: Brian Wells Janice Wells
"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:
11940 71 Street NW

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:

Common Area

- a. The front (east) exterior stairs were rotting in places.
- b. Handrails were missing along the back (west) interior stairs leading to the basement suite.
- c. Some of the stairs along the back (west) interior stairway were loose and broken.
- d. The finishes were in disrepair in places including: flooring along the back (west) interior stairs required further finishing; the walls in the back (west) were in disrepair and paint was chipped in places; the casing around the door to the basement suite was in disrepair with exposed wood.
- e. There was evidence of a cockroach infestation throughout the premises.
- f. There was evidence of a mouse infestation throughout the premises.

Main Floor Suite

- g. The front SE bedroom window pane was broken.
- h. The front NE living room window pane was broken.
- i. Insect screens were missing from various openable windows.
- j. The front SE bedroom window did not meet emergency egress requirements: the openable window size was too small, and the majority of the window was obstructed by items from the inside.
- k. The SW bedroom window opening was too small for emergency egress.
- l. There was no handrail along the central interior stairs between the main floor and the second floor.
- m. An operational smoke alarm was missing from the hall area outside the front SE bedroom.
- n. Numerous electrical switch and plug plate covers were missing throughout the suite.
- o. The finishes were in disrepair in places including: A portion of the front door casing was missing; the main floor bathroom flooring was in disrepair with exposed subfloor; the

flooring was in disrepair in the kitchen, front foyer and living room, primarily consisting of exposed subfloor;

- p. The kitchen cabinets were in disrepair with exposed porous wood in places.
- q. The central interior stairs between the main floor and the second floor were blocked by items.

Basement Suite

- r. There was no operational smoke alarm installed in the suite.
- s. The finishes were in disrepair in places including: the kitchen flooring consisted of unfinished wood; the bathroom flooring was in disrepair with gaps in linoleum and missing baseboards; the basement ceiling was in disrepair in various places with sagging ceiling tiles; the kitchen backsplash was in disrepair with broken tiles and exposed pipes.
- t. A ceiling light fixture was hanging by its wires.
- u. Some windows were not adequately weatherproof.
- v. Insect screens were missing from various openable windows.
- w. There was no adequate emergency egress from the bedroom.

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. Items (a, p) were 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.
- b. Items (g, h, u) were in contravention of section III(2)(b)(i, ii) of the Minimum Housing and Health Standards that states: (i) All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof. (ii) 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.
- c. Items (l, v) were in contravention of section III(2)(b)(iii) of the Minimum Housing and Health Standard that states: 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.
- d. Items (j, k, w) were in contravention of section III(3)(b)(i, ii) of the Minimum Housing and Health Standard that states: 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 m² (3.8ft²), with no dimension less than 380 mm (15”).
- e. Items (b, c, l) were in contravention of section III(3)(c)(i) of the Minimum Housing and Health Standards that states: 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.
- f. Items (d, o, s) were in contravention of section III(5) of the Minimum Housing and Health Standards that states: 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.

- g. Items (n, t) were in contravention of section IV(11) of the Minimum Housing and Health Standards that states: 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.
- h. Items (m, r) were in contravention of section IV(12) of the Minimum Housing and Health Standards that 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 alarms shall be operational and in good repair at all times.
- i. Items (e, f) were in contravention of section V(16)(a) of the Minimum Housing and Health Standards that 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 must be applied 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.
- j. Items (q) were in contravention of section 5(2) of the Housing Regulation (AR 173/99) that states: 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.

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 31, 2021**.
2. That the Owner pursue the completion of the following work in and about the above noted premises, namely:
 - a. Repair the front steps so that they are in good repair.
 - b. Install handrails along the interior staircases including: the back (west) interior stairs leading to the basement suite, and the central interior stairs between the main floor and the second floor.
 - c. Repair or replaces any loose or broken stairs of the back (west) interior stairway.
 - d. Install a handrail along central interior stairs between the main floor and the second floor. 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.

- e. Repair or replace any of the windows that are broken or are otherwise in disrepair and not adequately weatherproof. Ensure that all windows are maintained in good repair, free of cracks and weatherproof, with a double pane or a storm sash.
- f. Ensure that all openable windows are supplied with insect screens.
- g. Ensure that all bedrooms have adequate means of emergency egress such as an outside window that can be opened from the inside without the use of tools or special knowledge, with an unobstructed window opening with areas not less than 0.35 m² (3.8ft²), with no dimension less than 380 mm (15").
- h. Install a smoke alarm in the hallway outside the main floor bedroom. Install a smoke alarm in the hallway outside the basement bedroom. Smoke alarms must be operational at all times.
- i. Ensure that all wall, ceiling and flooring finishes are in good repair, free of cracks and holes, and in conditions that render them easy to clean.
- j. Repair or replace the main floor kitchen cabinets.
- k. Ensure that plate covers are installed on all electrical switches and plugs.
- l. Repair the ceiling light fixture that was hanging by wires in the basement suite.
- m. Hire a certified pest control company to inspect and develop a treatment plan for the whole building, for the treatment of cockroaches and mice. An integrated pest control management program must be implemented for the building and all recommendations of the certified pest control company must be followed.

Reports are to be submitted to this office.

- 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, September 30, 2021

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, 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 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: <https://www.alberta.ca/health-standards-and-guidelines.aspx>