

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

To: Mr. Ken Nichol
Mrs. Diane Nichol
Edmonton, Alberta

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

RE: **Basement Suites**
11942 – 81st Street
Edmonton, Alberta
Lot 74, Block 1, Plan RN63

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. The window serving the west basement bedroom did not provide enough openable area to meet emergency egress requirements, meaning it is not satisfactory as a secondary means of egress in the case of a fire or other emergency.
- b. The head clearance in the basement common area and stairwell measured less than 72 inches in several areas, which does not allow for satisfactory egress in the case of a fire or other emergency.
- c. There was no handrail or guard to aid in the prevention of falls and similar physical hazards for the stairwell to the basement.
- d. There was no kitchen sink provided for the basement food preparation area which means that raw food and soiled utensils cannot be cleaned and that other cleaning operations cannot be performed.
- e. Walls in the basement food preparation area were not finished and therefore were not easily cleanable which allows for the accumulation of dirt and grease and possible harbourage of vermin.
- f. The flooring throughout the basement food preparation area was unfinished and therefore was not easily cleanable which allows for the accumulation of dirt and grease and possible harbourage of vermin.
- g. The ceiling of the food preparation area was unfinished and therefore was not easily cleanable which allows for the accumulation of dirt and grease.
- h. Walls in the basement washroom area were not smooth, non-absorbent and easy to clean and therefore allow the accumulation of dirt and the possible growth of mould.
- i. Flooring throughout the basement washroom area was unfinished and not water-tight at the junction with the wall and therefore it was not cleanable and will allow for the accumulation of dirt and possible growth of mould.

- j. The ceiling of the basement washroom area was unfinished and therefore was not easily cleanable and will allow for the accumulation of dirt and possible growth of mould.
- k. There was no bathtub or shower provided to the tenants of the basement bedrooms which prevents the tenants from removing soil and contamination from their body.
- l. There was no suitable mechanical or natural ventilation provided to the washroom facilities in the basement, which prevents the removal of moist air and can allow for mould to grow.
- m. Electrical outlet covers were missing throughout the basement common area which poses an electrical shock hazard.

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
The window serving the west basement bedroom did not provide enough openable area to meet emergency egress requirements, which is a contravention of section 3(b) 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. (i) 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”).
- b. Nuisance and General Sanitation Regulation 243/2003 s.2
The head clearance in the basement common area and stairwell measured less than 72 inches in several areas which is a contravention of Part 1, section 2(1) which states that no person shall create, commit or maintain a nuisance, and 2(2)(a) which 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.
- c. Housing Regulation 173/99 s.4
There was no handrail or guard on the stairwell to the basement which is a contravention of section 3(c) of the Minimum Housing and Health Standards which states that interior 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.
- d. Housing Regulation 173/99 s.4
There was no kitchen sink provided for the basement food preparation area which is a contravention of section 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 kitchen sink that is supplied with potable hot and cold water and suitably sized to allow preparation of food, washing utensils and any other cleaning operation.

- e. Housing Regulation 173/99 s.4
Walls, flooring and the ceiling throughout the basement food preparation areas were not finished and therefore were not easily cleanable which is a contravention of section 5(b) 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. (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.
- f. Housing Regulation 173/99 s.4
Basement washroom walls were not smooth, non-absorbent and easy to clean, basement washroom flooring was unfinished and not water-tight at the junction with the wall and there was no finished ceiling in the basement washroom area which are all contraventions of section 5(a) 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.
- g. Housing Regulation 173/99 s.4
There was no bathtub or shower provided to the tenants of the basement bedrooms which is a contravention of section 7 of the Minimum Housing and Health Standards which states that except where exempt by regulation every housing premises shall be provided with plumbing fixtures of an approved type consisting of at least a flush toilet, a wash basin, and a bathtub or shower.
- h. Housing Regulation 173/99 s.4
There was no suitable mechanical or natural ventilation provided to the washroom facilities in the basement which is a contravention of section 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.
- i. Housing Regulation 173/99 s.4
Electrical outlet covers were missing in the basement common area which is a contravention of section 11 of the Minimum Housing and Health Standards which states that outlets, switches and fixtures shall be properly installed and shall be maintained in a good and safe working condition.

AND WHEREAS, by virtue of the foregoing, the basement bedrooms of the above noted premises are hereby declared to be **Unfit for Human Habitation**.

NOW THEREFORE, I hereby **ORDER** and **DIRECT**:

- a. That the occupants of the two basement bedrooms vacate the above noted premises on or before July 25, 2012.

- b. That should the owner intend to provide lodging or accommodation to the public in the main floor or basement suites in the future, the owner must undertake and diligently pursue the completion of the following work in and about the above noted basement, namely:
- I. Ensure that adequate head clearance is provided to all basement common areas and the stairway.
 - II. Ensure that an adequate guard and handrail are provided to the stairway leading to the basement.
 - III. Ensure that electrical covers are installed on all uncovered electrical boxes.
 - IV. Ensure that all basement bedroom windows provide enough openable area to meet minimum emergency egress requirements.
 - V. Ensure that a suitably sized and supplied kitchen sink is installed in the basement food preparation area.
 - VI. Ensure that the walls, ceiling and flooring of the basement washroom facilities are constructed in a manner that renders them smooth, non-absorbent and easy to clean.
 - VII. Ensure that the walls, ceiling and flooring of the basement food preparation facilities are constructed in a manner that is easy to clean and does not harbour dirt, grease, vermin or bacteria.
 - VIII. Ensure that a suitably sized and supplied shower or bathtub is provided to the basement suite tenants.
 - IX. Ensure that mechanical or natural ventilation is supplied to the room containing the flush toilet and bathtub/shower.
- c. 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 basement bedrooms of the 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.

This written order is to follow up the verbal condemnation and vacate order given on Wednesday, July 11, 2012.

DATED at Edmonton, Alberta, July 17, 2012

_____(Original Signed)_____
Jason A. MacDonald; BSc, CPHI(C)
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 within ten (10) days after receiving the order to the Public Health Appeal Board located at 24th 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.

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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