

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

To: SHACKLETON EQUITIES INC. John Stobbe Avery Stobbe
"the Owner" "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:
202 - 12035 82 Street NW Edmonton, AB T5T 1G1

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 ceiling, walls, and floors within the left-hand bedroom were significantly damaged. The surface of the walls, ceiling, and floor had melted/bubbled as a result of a fire within the suite.
- b. As per information provided by Alberta Occupational Health and Safety, the building has previously tested positive for the presence of asbestos.
- c. The window within the left-hand bedroom had been broken and removed. As a result, the window was not weatherproof or capable of being secured.
- d. The unit was experiencing a bed bug infestation.
- e. The following finishes were damaged at the time of inspection: the ceiling within the hall and entryway to the unit, the walls throughout the suite, the ceiling to the left of the bedroom, and the ceiling within the kitchen (which was water damaged and smoke damaged).
- f. The plate for the light switch in the left bedroom was missing.
- g. The seal along the bathtub was worn. As a result, the bathtub did not form a watertight seal with the surrounding material.

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 ceiling, walls, and floors within the left-hand bedroom were significantly damaged. The surface of the walls, ceiling, and floor had melted/bubbled as a result of a fire within the suite. This is in contravention of Sections 1(c), and 5 of the Minimum Housing and Health Standards, which state that "*Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.*", and furthermore

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. As per information provided by Alberta Occupational Health and Safety, the building has previously tested positive for the presence of asbestos. This is in contravention of Section 5(2) of the Alberta Housing Regulation (AR173/99), which states that *“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.”*
- c. The window within the left-hand bedroom had been broken and removed. As a result, the window was not weatherproof or capable of being secured. This is in contravention of Sections 2(b)(i) and 3(a) 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 furthermore that, *“Exterior windows and doors shall be capable of being secured.”*
- d. The unit was experiencing a bed bug infestation. This is in contravention of Section 16 of the Minimum Housing and Health Standards, which states that *“The owner shall ensure that all rooms and other areas used in common by the occupants of the individual dwellings are maintained in a clean and sanitary condition.”*
- e. The following finishes were damaged at the time of inspection: the ceiling within the hall and entryway to the unit, the walls throughout the suite, the ceiling to the left of the bedroom, and the ceiling within the kitchen (which was water damaged and smoke 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. (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. The plate for the light switch in the left bedroom was missing. 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.”*
- g. The seal along the bathtub was worn. As a result, the bathtub did not form a watertight seal with the surrounding material. 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.”*

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 September 15, 2023.

2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Remove the fire damaged building materials within the left-hand bedroom. Ensure the work is conducted by a contractor licensed in asbestos removal/abatement (i.e. a contractor who has completed an asbestos abatement course approved by Alberta Labour and Immigration).
 - b. Replace the window within the left-hand bedroom. Ensure the window is fitted with a properly operating lock to facilitate securing of the window.
 - c. Hire a licensed pest control company to complete treatment of the bed bug infestation. Provide a copy of any reports generated by the licensed pest control company to Alberta Health Services Environmental Public Health.
 - d. Replace the damaged finishes within the suite, including: the ceiling within the hall and entryway to the unit, the walls throughout the suite, the ceiling to the left of the bedroom, and the ceiling within the kitchen (which was water damaged and smoke damaged).
 - e. Replace the missing light switch plate cover in the left-hand bedroom.
 - f. Replace the seal along the bathtub. Ensure the area between the bathtub and surrounding surfaces forms a watertight seal.

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, August 30, 2023

Confirmation of a verbal order issued to John Stobbe on August 24, 2023.

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
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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www.albertahealthservices.ca/eph.asp