

ORDER OF AN EXECUTIVE OFFICER

UNFIT FOR HUMAN HABITATION ORDER TO VACATE



To:

Bryan Peter Serbu
Edmonton, AB

Kathryn Serbu
Edmonton, AB

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

RE: Plan RN63; Block 3; Lot 48
12112 – 79 Street, Edmonton, Alberta

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. Wastewater back-up was present in the laundry area. There was an area of approximately 3 feet by 5 feet of standing water around the floor drain. Wastewater had infiltrated into the bathroom, living room, and bedroom that are present outside of the laundry room entrance. This wastewater has the potential to harbor bacteria and viruses, and cause mould throughout the affected area.

- b. Toilet and shower were inoperable due to the plumbing deficiencies. Toilet was filled with human feces and urine and could not be flushed.
- c. Carpet, baseboards, and underlay throughout the west end of the suite were soaked with wastewater. Although some carpet had been removed, there was no attempt made to sanitize the affected areas. This wastewater has the potential to harbor bacteria and viruses, and cause mould throughout the affected area.
- d. Handrail leading down to the basement suite was not secured to the wall and was being held together with duct tape, which is a health and safety concern as
- e. Linoleum in the bathroom was in disrepair. Linoleum was peeling and lifting at the entrance to the bathroom, creating a tripping hazard.
- f. Tiles at the front of the shower were missing, exposing materials that were not impervious to moisture or easy to clean. The exposed materials could potentially harbour dirt, bacteria and mould.
- g. Carpets throughout the suite were in disrepair. The perimeter of the carpet was pulled away from the walls in several areas, exposing tack board. Seams of the carpet were torn, creating many tripping hazards.
- h. Several light switches and electrical outlets did not have plate covers, exposing electrical conductors, which could lead to electrocution.
- i. Mechanical ventilation in the bathroom was not operational. The absence of ventilation in a bathroom can possibly lead to mould.
- j. Walls were heavily damaged with holes and scratches rendering them in poor repair and not easy to clean.

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:

Housing Regulation 173/99 s.4

- a. Wastewater back-up was present in the laundry area. There was an area of approximately 3 feet by 5 feet of standing water around the floor drain. Wastewater had infiltrated into the bathroom, living room, and west bedroom . These deficiencies are in contravention of section IV(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. Toilet and shower were inoperable due to the plumbing deficiencies. Toilet was filled with human feces and urine and could not be flushed which is in contravention of section IV(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.
- c. Carpet, baseboards, and underlay throughout the west end of the suite were soaked with wastewater. Although some carpet had been removed, there was no attempt made to sanitize the affected areas, which could potentially lead to the harborage of dirt and bacteria which is in contravention of section III(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.

- d. Handrail leading down to the basement suite was not secured to the wall and was being held together with duct tape which is in contravention of section III(3)(c) of the Minimum Housing and Health Standards which states that: Inside 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.
- e. Linoleum in the bathroom was in disrepair. Linoleum was peeling and lifting at the entrance to the bathroom, creating a tripping hazard. In the bathroom entrance, there was no transition strip going from the linoleum to the carpet. These deficiencies are in contravention of section III(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.
- f. Tiles at the front of the shower were missing, exposing materials that were not impervious to moisture or easy to clean which is in contravention of section III(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.
- g. Carpets throughout the suite were in disrepair. The perimeter of the carpet was pulled away from the walls in several areas, exposing tack board. Seams of the carpet were torn, creating many tripping hazards. Baseboard in the hallway between bathroom and laundry area was rotted, mouldy, and not secured to the wall. These deficiencies are in contravention of section III(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.
- h. Several light switches and electrical outlets did not have plate covers, exposing electrical conductors. Holes created in the walls were being repaired using duct tape which is in contravention of section IV(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.
- i. Furnace cover was missing which is in contravention of section IV(8)(a)(i) 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

- j. Mechanical ventilation in the bathroom was not operational which is in contravention of section IV(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.
- k. Walls were heavily damaged with holes and scratches rendering them in poor repair and not easy to clean which is in contravention of section III(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

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

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

1. That the occupants vacate the above noted premises on or before March 12, 2011.
2. That the owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Ensure all plumbing fixtures are in good repair and free from leaks. Repair or replace affected components of the plumbing and drainage system. Retain the services of a certified plumber to inspect the plumbing and drainage system. All reports and invoices from the certified plumber must be submitted to the writer of this order.
 - b. Retain the services of a "Certified Electrical Contractor" to ensure that all electrical outlets, switches and fixtures are properly installed and maintained in a good and safe working condition.
 - c. Ensure all floor coverings (carpet and linoleum) and building materials that have been affected by the wastewater are removed. Ensure all materials that cannot be removed are properly sanitized.
 - d. Ensure that the premises is made to comply with the *Minimum Housing and Health Standards* of the *Housing Regulation* under the *Public Health Act*. Compliance with these standards and regulations is also a requirement under the Residential Tenancies Act. Any building upgrades may be subject to municipality planning and development department reviews and the procuring of proper permits.
 - e. Ensure that the premises is in compliance with the *Nuisance and General Sanitation Regulation* under the *Public Health Act*. Any building upgrades may be subject to municipality planning and development department reviews and the procuring of proper permits.
 - f. Ensure all windows and exterior doors are maintained in good repair, free of cracks and weatherproof. All windows must be protected 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.
 - g. Retain the services of a certified professional to inspect all gas-fired appliances and obtain permits from the City of Edmonton.
 - h. Install handrails that comply with the current Alberta Building Code.

- i. Ensure mechanical ventilation in the bathroom is in good operating condition.
 - j. Ensure tiles in the shower are in good repair, free from cracks, non-absorbent to moisture, and easy to clean.
 - k. Ensure bathroom floors, walls, and bathtub surround and base are smooth, non-absorbent to moisture and easy to clean. All walls must watertight joint with each other, the floor, the ceiling and where applicable with the bathtub or shower.
 - l. Ensure all walls, windows, ceilings, floors, and floor coverings are in good repair, free of cracks, holes, loose or lifting coverings and in a condition that is easy to clean.
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 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.

DATED Edmonton, Alberta, March 15, 2011

Jessica Ponto, BSc., BEH, CPHI(C)
Executive Officer
Environmental Health Officer

You are advised that should this Executive Officer's Order not be complied with, prosecution will be considered for breach of the Public Health Act and the Regulations.

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, its Regulations and associated Standards 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.