

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

**To:** Arian Abbasi  
"the owner"

**And to:** All Occupant(s) of the following Housing Premises:

**RE:** Those housing premises located in Edmonton, Alberta and municipally described as:  
12146 79 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:

- a. The guardrails on the front porch were in disrepair. They were detached from the porch, spindles were broken, loose and more than 4 inches apart.
- b. The front steps leading into the premises were in disrepair and there was an unsafe wheelchair ramp installed on the steps. The ramp consisted of two wood boards mounted onto the surface of the steps.
- c. There was no guardrail on the back deck and there were no steps leading from the deck to the ground level.
- d. There was no guardrail on the back porch or on the steps.
- e. The stairs leading to the basement were unsafe. There was no handrail and the treads were varying sizes and one tread was broken.
- f. There were panels of siding missing under the second floor south bedroom and fascia was missing on the north side of the premises.
- g. The gas had been turned off to the premises.
- h. There was no hot water in the premises.
- i. The furnace was not working and a space heater was being used to heat the premises.
- j. There was no smoke alarm installed in the upstairs hallway outside the bedrooms and there was no smoke alarm installed on the main floor.
- k. The upstairs east bedroom window was too small for emergency egress and one of the window panes was broken. The window opening was measured to be 13 inches by 16 inches.
- l. The main floor bedroom had no emergency egress. The west window was boarded up and the south window was sealed. Also, the second floor north bedroom had no emergency egress, the window was stationary and could not be opened.
- m. The upstairs south bedroom window pane was cracked.

- n. There was an electrical outlet near the back entrance that had been pulled out of the wall and there were exposed electrical wires. The outlet appeared to be burned and there were black marks around the outlet and up the wall.
- o. The light fixture at the back entrance was not safely mounted. It was hanging from its wires.
- p. There was no electricity registering on the meter on the exterior of the premises suggesting the power had been shut off.
- q. The upstairs bedrooms all had hasp locks on the exterior of the door.
- r. There was water infiltration in the basement and there appeared to be a sewage back-up.
- s. The patio doors were not properly weatherproofed and the glass panes were broken and missing.
- t. There was no mechanical ventilation in the washroom and the window had been sealed shut.
- u. The left bathtub faucet was broken and there was no faucet/spout for the bathtub.
- v. The plumbing under the kitchen sink was leaking.
- w. There was damaged building materials throughout the premises including:
  - i) The trim around the exterior back door was missing.
  - ii) The second floor north bedroom window frame was constructed of unfinished wood material.
  - iii) The door knob was missing for the second floor north bedroom door.
  - iv) Numerous kitchen cupboard doors were missing and shelves were damaged.
  - v) The kitchen sink was pulling away from the wall.
  - vi) The bathroom mirror was broken.
  - vii) The bathroom vanity and shelves were in disrepair.
  - viii) There were numerous holes in the walls throughout the premises.
  - ix) The door trim was missing in the upstairs east and south bedrooms.
  - x) A large section of drywall was missing in the living room.
  - xi) There were numerous holes in the drywall throughout the premises.
- x. The flooring throughout the premises was in disrepair.
  - i) Kitchen floor boards were separating and numerous boards were missing.
  - ii) Floor tiles were cracked and a large section of tiles were missing in the back entrance.
  - iii) There was not a proper threshold installed in the back entrance.
  - iv) The east bedroom flooring covering was in disrepair. There were some small pieces of carpet placed throughout the room but there were large sections that were not finished and the subfloor was exposed.
  - v) There were large gaps between the tile bathtub surround and the ceiling.
  - vi) The linoleum flooring in the washroom did not form watertight joints with the bathtub and walls. The flooring was lifting in numerous places.
  - vii) Baseboards were missing in the washroom and there was no transition strip at the doorway.
  - viii) The carpet on the stairs leading to the second floor was heavily stained.
- y. Numerous electrical outlets and light switches throughout the premises were missing plate covers including:
  - i) The light switch covers in the kitchen were missing.
  - ii) The electrical outlet covers in the kitchen were missing.
  - iii) The light switch cover in the stairwell leading to the second floor was missing.

- iv) The light switch cover in the second floor hallway was missing.
  - v) The light switch cover in the second floor north bedroom was missing.
  - vi) The light switch cover in the second floor south bedroom was missing.
- z. There was damaged building material throughout the premises which may contain asbestos.

**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, b, c, d, e) are 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.
- b. Item (f) is in contravention of section III (2) (a) of the Minimum Housing and Health Standards which states that: The roof and exterior cladding of walls shall be maintained in a waterproof, windproof and weatherproof condition.
- c. Items (g, h, l and p) are in contravention of section IV (8)(d) of the Minimum Housing and Health Standards which states that: Every owner of a housing premises shall ensure a continuous supply of electricity, water and heat unless the rental agreement stipulates that such utility services are the sole responsibility of the occupant.
- d. Item (h) is in contravention of section IV (7) (a) of the Minimum Housing and Health Standards which states that: The washbasins and bathtub or shower shall be supplied with potable hot and cold running water.
- e. Item (l) 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, and be capable of safely and adequately heating all habitable rooms, bathrooms, and toilet rooms within the building to a temperature of at least 220C(710F), or maintained at a temperature of at least 220C(710F) when the control of the supplied heat in a dwelling is the responsibility of a person other than the occupant.
- f. Item (j) is in contravention section IV (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.
- g. Items (k and l) are in contravention of section III (3) (b) (i) of the Minimum Housing and Health Standards which states that: Windows referred to above 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. Items (k, m and s) are in contravention of section III (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.

- i. Items (n, o and y) are 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.
- j. Items (q) are in contravention of Section 5(2) of the Housing Regulations 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.
- k. Item (r) is in contravention of section III(1)(am) of the Minimum Housing and Health Standards which states that: the housing premises shall be structurally sound, and; basements, cellars or crawl spaces shall be structurally sound, and maintained in good repair and free from water infiltration and accumulation.
- l. Item (t) 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.
- m. Items (u and v) are in contravention of section IV (6) (c) of the Minimum Housing and Health Standards which states that: All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.
- n. Item (w) is 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.
- o. Items (w and x) are 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.

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

1. That the premises be vacated on or before November 30, 2018.
2. That the owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
  - a. Retain the services of an Environmental Consultant or Industrial/Occupational Health Hygienist that must be approved by Alberta Health Services and prior to the commencement of renovation or repairs.
    - As this building was built prior to 1990, the presence of asbestos within building materials is likely thus all precautions must be taken. The consultant must assess the conditions within the above noted premises including performing applicable sampling for asbestos containing materials.

- In the event asbestos is present provide Environmental Public Health with a written asbestos management/abatement plan in accordance with the Alberta Occupational Health and Safety Code for Asbestos abatement. Ensure proper removal/handling of impacted materials follow current codes and standards.
  - Have the environmental consultant assess the conditions within the above noted premises for all water damaged materials and mould. The assessment must include the wall and floor cavities. A full pre mould remediation inspection report is required. At a minimum, the report must describe the building construction, finishes, materials and components and recommendations for restoration.
  - All hazardous building materials are to be properly managed and disposed of in accordance with government standards and guidelines and industry codes of practice.
  - Once the water damaged materials have been removed a post mould remediation report is required this will include environmental air quality sampling and photographic evidence that all mouldy material has been. Testing and reporting shall follow the requirements outlined in Alberta Health Services' Fungal Air Testing Protocol.
- b. Ensure all inside and outside stairs, deck and the porches are maintained in good repair and comply with the requirements of the Alberta Building Code or a Professional Engineer design.
- Repair/replace the guardrail on the front porch.
  - Repair or replace the front steps leading into the premises.
  - Ensure the ramp is properly constructed and poses no hazards.
  - Install guardrails on the back deck and on the stairs to the ground level.
  - Install guardrails on the back porch and steps.
  - Repair the stairs leading to the basement and install a handrail.
- c. Install siding and fascia on the exterior of the premises. Ensure the roof and exterior cladding of walls are maintained in a waterproof, windproof and weatherproof condition.
- d. Ensure there is a continuous supply of electricity, water and heat.
- e. Have the furnace inspected by a qualified individual. Any work identified by the individual must be done to ensure the furnace is in good and safe working order. A copy of the report must be submitted to Environmental Public Health.
- f. Install smoke alarms in the hallway outside the upstairs bedrooms and on the main floor.
- g. Cease using the upstairs bedroom and the main floor bedroom for sleeping. If the rooms are to be used for sleeping, change the window in each room so it provides as unobstructed opening 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. Repair or replace the cracked and broken window in the upstairs south and east bedroom and the patio doors. Ensure all windows are in good repair, free of cracks and weatherproof.
- i. Have the electrical wiring in the home inspected by a qualified individual. Any work identified by the individual must be done to ensure the electrical system is in good safe working order. A copy of the report must be submitted to Environmental Public Health.
- j. Properly install the light fixture in the back entrance and install covers on all light switches and electrical outlets. Ensure all outlets, switches and fixtures are properly installed and maintained in a good and safe working condition.

- k. Remove the hasp locks on the exterior bedroom door.
  - l. Identify and correct the source of sewage and moisture in the basement. Clean and disinfectant the contaminated surfaces.
  - m. Install mechanical ventilation in the washroom or ensure the bathroom window can be easily opened.
  - n. Repair the plumbing so the kitchen sink doesn't leak. Ensure all plumbing fixtures are serviceable, free from leaks, trapped and vented to the outside.
  - o. Replace the broken bathtub faucet and spout.
  - p. Remove all damaged material and replace with material that is in good repair. This includes:
    - Install trim door around the exterior back door and in the upstairs east and south bedroom.
    - Finish the second floor north bedroom window frame so it is constructed of material that is easy to clean.
    - Install a door knob on the second floor north bedroom door.
    - Repair or replace the damaged cupboard doors and shelves.
    - Properly secure kitchen sink and ensure there is a watertight joint between the sink and the wall.
    - Remove the broken bathroom mirror.
    - Patch all the holes in the walls throughout the premises.
    - Repair or replace the kitchen flooring so it is in good repair, easy to clean and nonabsorbent to moisture.
    - Repair or replace the damaged floor tiles in the back entrance so they are in good repair, easy to clean and nonabsorbent to moisture.
    - Install a threshold piece in the back entrance.
    - Install flooring in the east bedroom that is in good repair and easy to clean.
    - Repair or replace the flooring in the washroom so it is in good repair, easy to clean and nonabsorbent to moisture. Ensure there are watertight joints between the floor, walls, ceiling and bathtub.
    - Repair the ceiling and wall in the washroom so there is a watertight joint.
    - Replace or professionally steam clean the carpets.
3. That until such time as the work referred to above is complete 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, November 16, 2018

Confirmation of Verbal Order given to the owner on November 15, 2018.

\_\_\_\_\_(Original Signed)\_\_\_\_\_

Meaghen Allen, CPHI(C)  
Executive Officer  
Public Health Inspector

\_\_\_\_\_(Original Signed)\_\_\_\_\_

Susana Roqara  
Executive Officer  
Public Health Inspector

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, Telus Plaza 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: <http://www.health.alberta.ca/about/PHAB.html>

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](http://www.qp.gov.ab.ca).

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Copies of standards are available by contacting the Health Protection Branch of Alberta Health at 780-427-4518 or by visiting: [www.health.alberta.ca/about/health-legislation.html](http://www.health.alberta.ca/about/health-legislation.html)