

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

To: Sugin Ao and Kui Zhong Lu
“the owners”

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

RE: Those housing premises located in, Edmonton, Alberta and municipally described as:
12644 - 70 Street

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 the prevention or suppression of disease, namely:

- a. Visible light could be seen around the back entrance door when the door was closed indicating a lack of weather stripping.
- b. The handle that opens the window in the south bedroom was missing.
- c. Evidence of water damaged was noted on the ceiling drywall in the kitchen and the living room.
- d. Using a Fluke 971 Temperature and Humidity meter, the temperature was found to be 19.2°C. The thermostat was set at 30°C and the outdoor temperature was -7°C.
- e. The windows in three of the rooms being used as bedrooms on the main floor were too small for emergency egress. The width of the window was measured to be 14 inches.
- f. The window in a room in the basement being used as a bedroom was found to be too small for emergency egress.
- g. There was no hand railing for the basement steps.
- h. The interior pane of the window in the southeast bedroom was cracked.
- i. There was evidence of water damage on the top of the window trim in the southwest bedroom.
- j. The window in the porch area was missing a window pane.
- k. The window screen was missing in the South West Bedroom.
- l. The kitchen window screen frame was broken.
- m. The rear small burner for the stove did not heat up when the knob was turned on.
- n. The window screen in the south bedroom was missing.
- o. There was evidence of water damage as the paint was chipping on the window sill in the South bedroom.
- p. There is a large opening in the wall from the kitchen to the southwest bedroom the area has been boarded up using unfinished plywood.
- q. There is no guardrail for the basement steps.
- r. The eavestrough on the south side of the premises had detached and was lying on the ground at the side of the structure.

- s. Inadequate flooring was being used in the hallway and the kitchen area, floor tiles that were not attached to the plywood had been placed loosely on top, and in some areas unfinished plywood was exposed.
- t. The carpet in the basement area was loose, lifting and improperly installed.
- u. There is a large gap between the ceiling and the west wall in the kitchen, the drywall surface on this wall unfinished indicating a recent repair of this wall.
- v. The thermostat was being secured to the wall by tape and the wiring for the thermostat was exposed.
- w. The caulking around the bath tub plastic surround was inadequate. Part of the plastic surround was lifting which allowed water infiltration into the adjacent wall.
- x. The paint was chipping on the window sill in the bathroom.
- y. Numerous electrical outlet and light switch cover plates were missing throughout the premises.
- z. There is a large crack in the cement wall in the stairwell leading to the basement, some deviation of the foundation noted and a cold breeze could be felt coming from this crack.
- aa. The drywall on the south wall in the basement bedroom had been damaged and was patched with unfinished drywall.

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. Visible light could be seen around the back entrance door when the door was closed indicating a lack of weather stripping, which is 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.
- b. The handle that opens the window in the south bedroom was missing which is in contravention of section III(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.
- c. Evidence of water damaged was noted on the ceiling drywall in the kitchen and the living room 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. Using a Fluke 971 Temperature and Humidity meter the temperature was found to be 19.2°C. The thermostat was set at 30°C, and the outdoor temperature was -7°C 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, and be *capable* of safely and adequately heating all habitable rooms, bathrooms, and toilet rooms within the building to a temperature of at least 22°C(71°F), or maintained at a temperature of at least 22°C(71°F) when the control of the supplied heat in a dwelling is the responsibility of a person other than the occupant.
- e. The windows in three of the rooms being used as bedrooms on the main floor were too small for emergency egress. The width of the window was measured to be 14 inches, which is 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 m² (3.8ft²), with no dimension less than 380 mm (15”).
- f. The window in a room in the basement being used as a bedroom was found to be too small for emergency egress which is 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 m² (3.8ft²), with no dimension less than 380 mm (15”).
 - g. There was no hand railing for the basement steps, 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.
 - h. The interior pane of the window in the South East bedroom was cracked which is 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. There was evidence of water damage on the top of the window trim in the South West bedroom 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.
 - j. The window in the porch area was missing a window pane, which is in contravention of section III(2)(b)(ii) of the Minimum Housing and Health Standards which states that: 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
 - k. The window screen was missing in the South West bedroom, which is in contravention of section III(2)(b)(iii) of the Minimum Housing and Health Standards which states that: 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.
 - l. The kitchen window screen frame was broken, which is in contravention of section III(2)(b)(iii) of the Minimum Housing and Health Standards which states that: 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.
 - m. The rear small burner for the stove did not heat up when the knob was turned on, which is in contravention of section IV(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 stove and a refrigerator that are maintained in a safe and proper operating condition. The refrigerator shall be capable of maintaining a temperature of 4 degrees °C.
 - n. The window screen in the south bedroom was missing, which is in contravention of section III(2)(b)(iii) of the Minimum Housing and Health Standards which states that: 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.
 - o. There was evidence of water damage as the paint was chipping on the window sill in the South bedroom which is in contravention of 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.
- p. There is a large opening in the wall from the kitchen to the south west bedroom the area has been boarded up using unfinished plywood, 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.
 - q. There is no guardrail for the basement steps, 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.
 - r. The eavestrough on the south side of the premises had detached and was lying on the ground at the side of the structure, which 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.
 - s. Inadequate flooring was being used in the hallway and the kitchen area, floor tiles that were not attached to the plywood had been placed loosely on top, and in some areas unfinished plywood was exposed, 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.
 - t. The carpet in the basement area was loose, lifting and improperly installed, 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.
 - u. There is a large gap between the ceiling and the west wall in the kitchen, the drywall surface on this wall unfinished indicating a recent repair of this wall, which is in contravention of section III of the Minimum Housing and Health Standards which states that: The owner shall ensure that the housing premises is structurally sound, in a safe condition, in good repair, and maintained in a waterproof, windproof and weatherproof condition.
 - v. The thermostat was being secured to the wall by tape and the wiring for the thermostat was exposed, 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.
 - w. The caulking around the bath tub plastic surround was inadequate. Part of the plastic surround was lifting which allowed water infiltration into the adjacent wall, 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.
 - x. The paint was chipping on the window sill in the bathroom, 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.

- y. Numerous electrical outlet and light switch cover plates were missing, throughout premises, 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.
- z. There is a large crack in the cement wall in the stairwell leading to the basement, some deviation of the foundation noted and a cold breeze could be felt coming from this crack, which is in contravention of section III(1)(a,b) 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.
- aa. The drywall on the south wall in the basement bedroom had been damaged and was patched with unfinished drywall, 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 15, 2014.
- 2. That the above noted premises be **secured from any and all unauthorized entry**.
- 3. That, if the above noted premises are to be reoccupied, the Owner 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 who *should have current, active membership in a related professional organization or certifying body and shall be first approved in writing by Alberta Health Services*** to:
 - i. assess the conditions within the above noted premises including the carrying out of environmental air quality analyses of the interior spaces (including if applicable the attic, wall and floor cavities, and crawlspaces) for water and mould damage and perform applicable sampling for asbestos containing materials; and
 - ii. Prepare a detailed assessment report and scope of work plan, including a hazardous materials audit and management plan for review by Alberta Health Services. Where mould growth is extensive, mould remediation must be consistent with procedures in these or similar documents:
 - Testing and reporting shall follow the requirements outlined in Alberta Health Services' Fungal Air Testing Protocol.
 - b. Ensure that any additional renovation work, including painting, reinstallation of drywall and laying of new flooring and/or sub floors does not occur until suitable air sample results are received and are to the satisfaction of Alberta Health Services.
 - c. Retain the services of a qualified contractor that can assess the foundation. A complete assessment of the foundation is required and a full report must be

- submitted to Alberta Health Services. Repairs indicated by the contractor must be completed.
- d. Ensure all windows and doors are maintained in good repair, free of cracks and weatherproof and weatherproof.
 - e. Ensure all openable windows are provided with insect screens and that the insect screens are in good condition.
 - f. Ensure all bedroom windows are provided with an unobstructed openings with areas not less than 0.35 m² (3.8ft²), with no dimension less than 380 mm (15")
 - g. Ensure that the kitchen is in good repair and all appliances are in good operating condition.
 - h. Ensure all outlets, switches and fixtures are properly installed and maintained in a good and safe working condition.
 - i. Ensure that all plumbing is serviceable, free from leaks and trapped and vented to the outside of the premises.
 - j. Ensure that a functioning smoke alarm situated on the ceiling by the bedrooms.
 - k. Ensure 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. Rooms that contain a flush toilet and bathtub or shower must have walls that are form a watertight joint with each other, the floor, the ceiling and where applicable with the bathtub or shower.
 - l. Ensure that exterior windows are capable of being secured.
 - m. Ensure all exterior vents are covered to ensure that unwanted pest do not enter the premises.
 - n. Ensure all interior and exterior stairs and supporting structural member, rails and guards are in good repair and comply with the requirements of the Alberta Building Code.
 - o. Ensure all heating appliances within the premise are properly installed and maintained in good working condition and be capable of safely and adequately supplying heating in all habitable rooms.
 - p. Ensure all venting for gas appliances is in good working condition, is installed correctly and is exhausting all gas by products safely.
 - q. Ensure that the roof and all exterior cladding of the walls is maintained in a waterproof, windproof, and weatherproofed.
 - r. Take any further steps in the interests of preserving and maintaining the health of any person who may, in the future, occupy the above noted premises as may be required by the Executive Officer.
4. 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 at Edmonton, Alberta, February 28, 2014

Confirmation of an oral order issued to the owner and the occupant of the premises February 26, 2014

____(Original Signed)____
Ingrid Bohac, CPHI(C)
Executive Officer
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 within ten (10) days after receiving the order to the Public Health Appeal Board located at Reception, Main Floor. Telus Plaza, 10025 Jasper Avenue, Edmonton, Alberta, T5J 1S6, Telephone 780-427-2813 Fax 780-422-0914.

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.

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: www.health.alberta.ca/about/health-legislation.html