

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

To: Edward Restad
Edmonton, Alberta

And To: All Tenants of the following Housing premises:

RE: Plan 7621962, Block 30, Lot 5B
Municipally known as 12732 -124 Street, Edmonton, AB

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. **Unsanitary conditions noted throughout the premises:**
 - Obnoxious smells were noticed in the premises.
 - There was an accumulation of animal urine and fecal matter throughout the premises.
 - There were excessive flies trapped or flying in the premises.
- b. **Roof leak/disrepair:**
 - Shingle lifting/disrepair in east and north side of the building was observed.
 - Extensive water damage due to roof leak on the ceilings in the mainfloor was observed including collapse in the east bedroom and multiple severe cracks in the living room, kitchen area and bathroom.
- c. **Water infiltration:** evidence of extensive water infiltration due to roof leak was observed during inspection, including the water damage on the mainfloor ceilings and walls.
- d. **Water damage:** extensive water damage due to roof leak on the ceilings in the mainfloor was observed including collapse in the east bedroom and multiple severe cracks in the living room, kitchen area and bathroom; evidence of water damage on the affected walls was also observed.
- e. **Ceiling/wall disrepair:** extensive water damage on the ceilings in the mainfloor was observed including collapse in the east bedroom and multiple severe cracks in the living room, kitchen area and bathroom; evidence of water damage on the affected walls was also observed.
- f. **Floor covering disrepair:** floor covering in mainfloor area was in disrepair including floor coverings missing in the two bedrooms in the west additional part of the building.
- g. **Un-acceptable bedroom window:** bedroom windows in the basement were too small for egress purposes.

- h. **Furnace/heating system disrepair:** there was no front cover on gas burners, creating a fire hazard, and/or an operational hazard.
- i. **Guards missing:** there were no guards installed on the stairs leading to the basement.
- j. **Missing window panes:** window panes were missing on the basement southwest window, the window opening was filled with insulation materials.
- k. **Switch/outlet cover deficiencies:** multiple electrical switch/outlet covers were missing or broken.
- l. **Insect screen deficiencies:** several insect screens were missing or broken in the premises.
- m. **Nuisance conditions:**
 - Eavestrough in the north side of the building was missing.
 - Back door frame was in disrepair.
 - Back deck was in disrepair.
 - Negative grading on the west side of the building was noticed.
 - Several vertical cracks in the basement foundation walls were evident.
 - Air quality in the premises was very poor due to dust and smells, furnace and ducts need to be cleaned.

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. Nuisance and General Sanitation Regulation 243/2003 s.2

Unsanitary conditions noted throughout the premises is in contravention of section 2(1) of Nuisance of General Sanitation Regulation which states that no person shall create, commit or maintain a nuisance, and section 2(2)(a,h) which states that without limiting the generality of subsection (1), a person who creates, commits or maintains (a) any premises in a condition that, and (h) any building that, due to (i) its not being in a clean state, (ii) the presence in it of noxious vapours or odours arising from any drain, water closet or urinal, or (iii) lack of ventilation in it sufficient to render harmless any gases, vapours, dust or other impurities generated in it, 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.

b. Housing Regulation 173/99 s.4

Roof leak/disrepair is in contravention of section 2(a) of Minimum Housing and Health Standards which states: the roof and exterior cladding of walls shall be maintained in a waterproof, windproof and weatherproof condition.

c. Housing Regulation 173/99 s.4

Water infiltration is in contravention of section 1(b, d) of Minimum Housing and Health Standards which states: (b) maintain premises in good repair and free from water infiltration and accumulation: (d) Repairs or modifications of any structural element of the housing premises may require the design and/or supervision of a professional structural engineer or a Safety Codes Officer (Building Discipline).

d. Housing Regulation 173/99 s.4

Water damage is in contravention of section 1 (c) of Minimum Housing and Health Standards which states: Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.

e. Housing Regulation 173/99 s.4

- Ceiling/wall disrepair is in contravention of section 5 of Minimum Housing and Health Standards which states: 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.
- f. *Housing Regulation 173/99 s.4***
 Floor covering disrepair is in contravention of section 5 of Minimum Housing and Health Standards which states: 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.
- g. *Housing Regulation 173/99 s.4***
 Un-acceptable bedroom window is in contravention of section 3(b)(i,ii) 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.(ii) windows referred to in section 3(b)i) shall provide unobstructed openings with areas not less than 0.35 m² (3.8ft²), with no dimension less than 380 mm (15”).
- h. *Housing Regulation 173/99 s.4***
 Furnace/heating system disrepair is in contravention of section 8(a) of Minimum Housing and Health Standards which states: all heating facilities within a housing premises are to be properly installed and maintained in good working condition.
- i. *Housing Regulation 173/99 s.4***
 Guardrails missing on the stairs leading to the basement is in contravention of section 3(c) (i) of Minimum Housing and Health Standards which states: inside or outside stairs or porches including all treads, risers, supporting structural members, handrails, guards and balconies shall be maintained in good repair and shall comply with the requirements of the Alberta Building Codes or a Professional Engineer design.
- j. *Housing Regulation 173/99 s.4***
 Missing window panes is in contravention of section 2 (b) (i) of Minimum Housing and Health Standards which states: all windows and exterior doors shall be maintained in good repair, free of cracks and weatherproof.
- k. *Housing Regulation 173/99 s.4***
 Swith/outlet cover deficiencies is in contravention of section 11 of Minimum Housing and Health Standards which states: outlets, switches and fixtures shall be properly installed and shall be maintained in a good and safe working condition.
- l. *Housing Regulation 173/99 s.4***
 Insect screen deficiencies are in contravention of section 2(b) (iii) of Minimum Housing and Health Standards which states: 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. *Nuisance and General Sanitation Regulation 243/2003 s.2(1)***
 Nuisance conditions is in contravention of section 2(1) of Nuisance and General Sanitation Regulation which states that: no person shall create, commit or maintain a nuisance.
Housing Regulation 173/99 s.4
 Nuisance conditions is also in contravention of section 5(2) of Housing Regulation which states: no person shall cause or permit any condition in housing premises that is or may

become injurious or dangerous or the public health, including any condition that may hinder in any way the prevention or suppression of disease.

AND WHEREAS, by virtue of the foregoing, the above noted premises are hereby declared to be **Closed for Tenant Accommodation**.

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

1. That the tenants vacate the above noted premises on or before **August 1, 2013**.
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 service of a qualified professional cleaning company trained to manage biohazard cleanup. The decontamination and cleaning must be conducted under the instruction and guidance of the above mentioned qualified consultant.
 - b. Retain service from an Environmental Consultant to assess the water damage, mould contamination and other potential hazardous materials including asbestos and its impact on the residency and repair workers prior to the performance of any repair or remediation works.
 - c. Assess and repair the premises. This would include a roof inspection and report. These repairs must be carried out by qualified individuals.
 - d. Remove and repair all the materials that have been damaged or show evidence of rot or other deterioration. This includes, but is not limited to, any of the materials in the premises that were affected by water infiltration.
 - e. Ensure that the housing premises is structurally sound, in a safe condition, in good repair, and maintained in a waterproof, weatherproof, and windproof condition.
 - f. Ensure all walls, windows, ceilings, floors and floor coverings are maintained in good repair, free of cracks, holes, loose or lifting coverings and in a condition that renders them easy to clean. 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 were applicable with the bathtub or shower.
 - g. Replace or repair furnace: a thorough assessment and service of the heating system and its components in the building may be required, and should include (but not limited to) thermostat, control valves, boiler and/or furnace.
 - h. Repair other deficiencies.
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.

Be Advised:

The above conditions were noted at the time of inspection and may not necessarily reflect all deficiencies; you are advised that further repairs may be required to ensure full compliance of

the Housing Regulation, or to prevent a Public Health Nuisance, prior to permitting reoccupancy.

Any building upgrades or modifications may be subject to municipality planning and development department reviews and the procuring of proper permits.

DATED at **Edmonton, Alberta, July 25, 2013.**

_____(original signed)_____
Dengzhong Wang, CPHI(C)
Executive Officer & Environmental Health Officer
Environmental Public Health
Alberta Health Services
Suite 700 HSBC Building, 10055-106 Street
Edmonton, AB T5J 2Y2

tel: (780) 735-1800 **fax:** (780) 735-1801

*Confirmation of an oral order issued to **Edward Restad** on **July 23, 2013.***

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.

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 & Wellness at (780) 427-4518, or by visiting: www.health.alberta.ca/about/health-legislation.html