

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

To: Dwight Everett Hagan
"the Owner"

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

RE: Those housing premises located in Edmonton, Alberta and municipally described as:
12734 69 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 exterior guard rail was in disrepair and not properly attached to the front steps. The gaps between the spindles were also greater than 4 inches.
- b. The exterior steps leading from the back deck had been removed and there was no means to safely egress.
- c. There was no handrail on the stairs leading to the basement.
- d. There was a large accumulation of items in the backyard which could lead to pest harbourage and infestation.
- e. Numerous windows throughout the premises were broken and various windows were not properly weatherproofed. Some panes were not adequate size, some panes were broken, and some were missing window panes.
- f. The back bedroom window did not stay open on its own.
- g. The walls, floors, and bathtub finishes did not form water tight joint with one another.
- h. There was no mechanical or natural ventilation in the washroom. The window installed was not openable.
- i. The shelf under the kitchen sink was mouldy and water damaged.
- j. The ceiling finishes in the kitchen was in disrepair. It may contain asbestos
- k. There were broken floor tiles throughout the kitchen and numerous tiles were missing exposing the sub floor.
- l. There was a hasp lock on the exterior bedroom door.
- m. The plumbing in the basement was leaking and a large bucket was set up to catch water.
- n. There was extensive mould growth on the basement walls. It spanned the whole length of the home and was approximate three feet high.

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, and c) are in contravention of section III(3)(c)(i) of the Minimum Housing and Health Standards that 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 Code or a Professional Engineer design.
- b. Item (d) is in contravention of section V(16) of the Minimum Housing and Health Standards that states: 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
- c. Item (e) is in contravention of section III(2)(b) of the Minimum Housing and Health Standards that states: All windows shall be maintained in good repair, free of cracks and weatherproof.
- d. Item (f) is in contravention of section III (3)(b)(ii) of the Minimum Housing and Health Standards which states: 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”).
- e. Item (g) is in contravention of section III (5)(a) of the Minimum Housing and Health Standard which states: 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. Item (h) is in contravention of section IV (7) (c) of the Minimum Housing and Health Standards which states: All rooms containing a flush toilet and/or bathtub or shower shall be provided with natural or mechanical ventilation.
- g. Items (i. and n.) are 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.
- h. Items (j, l and n) are in contravention of section 5(2) of the Housing Regulation (AR 173/99) that states: 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.
- a. Items (k and j) are in contravention of section III(5) of the Minimum Housing and Health Standards that 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. (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.
- i. Item (m) is in contravention of section IV(6)(c) of the Minimum Housing and Health Standards that states: All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.

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 August 31, 2021

2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
- a. You must 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 premise 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. 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 materials have been removed and a post mould remediation report is required this will include photographic evidence that all moldy material has been removed and environmental air quality sampling. Testing and reporting shall follow the requirements outlined in Alberta Health Services' Fungal Air Testing Protocol.

- b. Repair or replace the exterior guard rail on the front step so it is in good repair and complies with the current Alberta Building Code requirements.
- c. Install stairs and guards on the back of the home and ensure it in good repair and complies with the Alberta Building Code requirements.
- d. Install a handrail on the stairs leading to the basement.
- e. Clean the back yard so items are neatly organized and stored in a manner to limit pest harbourage and infestation.
- f. Repair or replace all windows in the premises so they are all in good repair, free of cracks and weatherproof. Openable windows must be equipped with screens and capable of being secured.
- g. Ensure all windows in the bedrooms that are intended for emergency egress can stay open on their own and providing and opening of at least 0.35m² for egress.
- h. Recalk the joints between the walls, floors, and bathtub finishes so they form a water tight joint with one another.
- i. Either install mechanical ventilation into the washroom or replace the window in the washroom with a window that can be opened.
- j. Remove the damaged shelf kitchen shelf under the sink and replace it with material that is in good repair, non-absorbent to moisture and easy to clean.

- k. Repair or replace the flooring and ceiling in the kitchen so it is in good repair, nonabsorbent to moisture and easy to clean.
 - l. Remove the hasp lock from the bedroom door.
 - m. Repair the plumbing leak and any other sources of moisture in the basement.
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 3, 2021.

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 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 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.

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: <https://www.alberta.ca/health-standards-and-guidelines.aspx>

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