

ORDER OF AN EXECUTIVE OFFICER UNFIT FOR HUMAN HABITATION

**To: David Phanthikane
Edmonton, Alberta**

**Rachel D Palaypay
Edmonton, Alberta**

**Erik Estrada
Edmonton, Alberta**

**RE: Premises located at Plan 9723647 Block 29 Lot 12
Municipally known as 13132 – 35 Street, Edmonton AB**

03 September, 2013

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:

1. There was a large amount of mold seen on all drywall surfaces in the basement, ½ the drywall effected from the floor up in all areas.
2. Wooden floor joists showed signs of rot and deterioration.
3. The cement walls had evidence of water staining, the cement floor was wet in some areas. There are trees in various stages of growth growing in the window wells, root systems from trees growing that close to the foundation will cause breaches in the foundation. There were plants growing in the eves troughs, preventing this system from functioning properly and diverting the water away from the foundation.
4. The entire plumbing system has been compromised as the house has sat the entire winter with no heat and the house was not winterized.
5. The electrical system has been compromised as there was no heat and high levels of humidity in the home due to water infiltration from the sump pump not functioning.
6. Rust was seen on the bottom of the furnace.
7. Rust was seen on the hot water tank.

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:

1. Nuisance conditions, there was a large amount of mold seen on all drywall surfaces in the basement, ½ the drywall effected from the floor up in all areas, which is in contravention of Nuisance and General Sanitation Regulation 243/2003 Part 1, section 2(1) which states that no person shall create, commit or maintain a nuisance, and 2(2)(a) which states that without limiting the generality of subsection (1), a person who creates, commits or maintains (a) any premises in a condition that 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.
2. Structural deficiencies, wooden floor joists showed signs of rot and deterioration, 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.
3. Structural deficiencies, the cement walls had evidence of water staining, the cement floor was wet in some areas. There are trees in various stages of growth growing in the window wells, root systems from trees growing that close to the foundation will cause breaches in the foundation. There were plants growing in the eves troughs, preventing this system from functioning properly and diverting the water away from the foundation, 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.
4. Water supply and plumbing deficiencies, the entire plumbing system has been compromised as the house has sat the entire winter with no heat and the house was not winterized, which is in contravention of the Minimum Housing and Health Standards section IV(6)(a) 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, pump-out sewage holding tanks, septic tanks and the disposal system shall be maintained in a proper operating condition.
5. Electrical deficiencies, the electrical system has been compromised as there was no heat and high levels of humidity in the home due to water infiltration from the sump pump not functioning , 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.
6. Heating and ventilation deficiencies, rust was seen on the bottom of the furnace, which is in contravention of the Minimum Housing and Health Standards section IV(8)(a)(i) 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.
7. Water supply, rust was seen on the hot water tank, which is in contravention of section IV(9) of the Minimum Housing and Health Standards which states that: Every building used in whole or in part, as housing premises shall be supplied with a potable water supply of sufficient volume, pressure and temperature to serve the needs of the inhabitants.

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 above noted premises be **secured from any and all unauthorized entry**.
2. 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:
3. Retain the services of an **Environmental Health or Indoor Air Quality Consultant** to:
 - i) assess the conditions within the above noted premises including the carrying out of environmental air quality analyses of the interior spaces (including the attic, wall and floor cavities, and crawlspaces) for water and mould damage; and
 - ii) prepare for review by Alberta Health Services a detailed assessment report and scope of work plan, including a hazardous materials audit and management plan.
 - iii) Testing and reporting shall follow the requirements outlined in Alberta Health Services' Fungal Air Testing Protocol and must include intrusive and destructive testing and shall and must include inspection and assessment of hidden cavities and surfaces such as, but not limited to, cutting access holes (or using boroscopes) into walls and ceilings, lifting carpets or vinyl sheet flooring, removing wallpaper for investigation purposes. The consultant's report shall describe, amongst other things, the building construction, finishes, materials and components and the results of their investigations along with recommendations for restoration, repair, and the remediation as required for reoccupation of the building. ***The Consultant should have current, active membership in a related professional organization or certifying body and shall be first approved in writing by Alberta Health Services.***
 - iv) **Due to the potential for moisture issues, intrusive testing must be performed throughout all levels to ensure no hidden moisture concerns or moulds exist between internal and external walls. The insulation, vapor barrier and external wall sheathing shall be thoroughly examined for damages, moisture, and suspect mould growth. Testing locations must include upper edges of walls and areas below windows. All baseboards and all window trim throughout the premises must be removed to allow observation of the area behind.**
4. Retain the services of a restoration and mould remediation specialist, approved by Alberta Health Services, to remove and replace or clean, as required, any and all drywall, building materials, and finishing materials, or any other item that is or may be water damaged, infested with or damaged by mould or bacteria or otherwise contaminated with chemicals or other substances of concern, all in accordance with the direction required at item 4.a, above. (Reference should be made to Mould Guidelines for the Canadian Construction Industry located at www.cca-acc.com/mould/.) ***It is recommended that the cleaning and restoration work be carried out by a member in good standing of the Institute of Inspection, Cleaning and Restoration or an equivalent professional body.***
5. Ensure that additional, general 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 submitted and the work identified at items 3 and 4 has been completed to the satisfaction of Alberta Health Services.

6. Retain the services of a licensed furnace company to inspect, clean and disinfect the HVAC supply air ducts, floor vents, return air plenums. This required cleaning shall take place as a final step after the completion of all remediation work but before final air sampling. ***It is recommended that the furnace cleaning company be a member in good standing of the Better Business Bureau (BBB) and/or the National Air Duct Cleaners Association or an equivalent professional body.***
7. Ensure that water, gas and electrical services are properly reinstated by the providers of such utility services.
8. Provide a detailed remediation and repair report which includes copies of all disposal manifests for removed materials, invoices for new, replacement materials, work orders, receipts, results, photos, inspection certificates and any other documentation pertaining to the work required hereby to Alberta Health Services.
 - **a full inspection of the plumbing system is required with the accompanying invoice verifying the plumbing system is in good repair and up to Alberta Building Code requirements. This is to include the installation of a new furnace and hot tank. Please ensure that all required permits are taken out and that these new appliances have been approved by the City of Edmonton**
 - **a full a full inspection of the electrical system is required with the accompanying invoice verifying the electrical system is in good repair and up to Alberta Building Code requirements**
 - **a full inspection of the gas services is required with the accompanying invoice verifying the gas services is in good repair and up to Alberta Building Code requirements**
 - **a duct cleaning report**
9. 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.
10. That, until such time as all the work is completed to the satisfaction of the undersigned or by another executive officer of Alberta Health Services, the above noted premises shall remain vacant and shall be secured from unauthorized entry. Entry may be authorized only for the purposes of complying with this Order.
11. 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 and/or the Nuisance and General Sanitation Regulation, or to prevent a Public Health Nuisance.
12. This order remains in effect until the nuisance has been corrected to the satisfaction of an Executive Officer of Alberta Health Services. Failure to comply with this order will result in further action.

No person shall conceal, deface, destroy, or remove a notice posted pursuant to the Public Health Act.

DATED at Edmonton, Alberta, 28 August, 2013.

_____(Original Signed)_____

Ingrid Bohac, 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) 735-1787 **Fax:** (780) 735-1801

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.

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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

Confirmation of an oral order issued to David Phanthikane, at 14:45, 27 August 2013.