

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

To: Brian MacPhee Mitchell MacPhee Kelsey MacPhee
"the owner" "the owner" "the owner"

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

RE: The housing premises located in Edmonton, Alberta and municipally described as:
Mainfloor Suite, 13314 122 Avenue 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. Both the bedroom windows were not acceptable for egress purposes, the out-panes were nailed-shut and were not openable.
- b. The window glass on both bedrooms were cracked or broken.
- c. The smoke alarm was not operational.
- d. The electrical switch cover in the South bedroom was cracked.
- e. The heat vent cover in the hallway was not fitting properly, a gap of about inch was observed on one side.
- f. There was a hole of approximately 3 inches X 3 inches on the hallway drywall near the kitchen area.
- g. The bathroom fan cover was clogged with dust.
- h. The bathroom window was painted-shut and was not openable.
- i. The shower walls were damaged, the surfaces were worn out in several locations.
- j. A few small water stains on the bathroom ceiling were observed, indicating potential water damage and mould growth.
- k. There was no lock mechanism installed on the back door leading to the back common area.
- l. There were several areas of rot on the wood back deck tiles.
- m. There were no handrails/guards installed on the stairs leading to the back deck.

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. Both the bedroom windows were not acceptable for egress purposes, the out-panes were nailed-shut and were not openable during inspection. This is in contravention of section III 3 (b) (i and ii) of the Minimum Housing and Health Standards which states that: (i) 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 (3.8 ft²), with no dimension less than 380 mm (15”).

- b. The window glass on both bedrooms were cracked or broken. This is in contravention of section III 2 (b) (i) of the Minimum Housing and Health Standards which states that: The owner shall ensure the housing premises is structurally sound, in a safe condition, in good repair, and maintained in a waterproof, windproof and weatherproof condition. 2 (b) (i) All windows and exterior doors shall be maintained in a waterproof, windproof and weatherproof condition.
- c. The smoke alarm was not operational. This is in contravention of section IV 12 of the Minimum Housing and Health Standards which states that: Smoke alarm 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. (a) Smoke alarm shall be operational and in good repairs at all times.
- d. The electrical switch cover in the South bedroom was cracked. This 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.
- e. The heat vent cover in the hallway was not fitting properly, a gap of about inch was observed on one side. This is in contravention of section III 5 of the 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. There was a hole of approximately 3 inches X 3 inches on the hallway drywall near the kitchen area. This is in contravention of section III 5 of the 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. The bathroom fan cover was clogged with dust. This is in contravention of section III 5 of the 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.
- h. The bathroom window was painted-shut and was not openable. This is in contravention of section III 2 (b) of the Minimum Housing and Health Standards which states that: The owner shall ensure the housing premises is structurally sound, in a safe condition, in good repair, and maintained in a waterproof, windproof and weatherproof condition.
- i. The shower walls were damaged, the surfaces were worn out in several locations. This is in contravention of section III 5 (a) of the Minimum Housing and Health Standards 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.
- j. A few small water stains on the bathroom ceiling were observed, indicating potential water damage and mould growth. This is in contravention of section III 5 of the 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.

- k. There was no lock mechanism installed on the back door leading to the back common area. This is in contravention of section III 3 (a) of the Minimum Housing and Health Standards which states that: Exterior windows and doors shall be capable of being secured.
- l. There were several areas of rot on the wood back deck tiles. This is in contravention of section III 1(c) of the 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.
- m. There were no guards installed on the stairs leading to the back deck. This is 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.

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 **December 7, 2023**.
- 2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Replace or modify the bedroom windows so that they meet emergency egress requirements.
 - b. Repair or replace the damaged window glass to ensure it is in a weatherproofing condition.
 - c. Replace or replace the smoke alarm and ensure it is in good working condition always.
 - d. Replace the damaged electrical switch cover in the south bedroom to ensure all outlets, switches and fixtures are properly installed and maintained in a good and safe working condition.
 - e. Repair or replace the damaged vent covers, drywalls, shower walls and ceiling tiles and 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 it easy to clean.
 - f. Clean up the bathroom ventilation vent cover, OR to repair the bathroom window to ensure it is openable for ventilation purposes.
 - g. Install a lock on the back door to ensure all exterior doors are capable of being secured.
 - h. Repair or replace the damaged/rotten wood deck tiles.
 - i. Install handrails/guardrails on the stairs leading to the back deck area.

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, November 30, 2023.
Confirmation of a verbal order issued to Brian MacPhee on November 28, 2023.

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 King'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 King'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>