

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

To: April & Kenneth Melo
"the Owner"

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

RE: Those housing premises located in Sherwood Park, Alberta and municipally described as:
157, 20212 Township Road 510
SE 3-51-20-W4M, Plan 8021490, Block 2, Lot 5

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 Private Sewage Disposal System is in disrepair and is discharging sewage effluent onto the ground surface within 6 meters of the housing premises.
- b. The ground surface/soil surrounding the sewage holding tank and the housing premises is contaminated with human sewage effluent.
- c. The toilet in the basement washroom is in poor repair and is not functional.
- d. Areas of the flooring on the stairs and ensuite washroom are damaged, lifting, or in a state of disrepair.
- e. The walls in the kitchen are unfinished and not smooth or easy to clean.

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. The Private Sewage Disposal System is in disrepair and is discharging sewage effluent onto the ground surface within 6 meters of the housing premises. This condition is in contravention of Section 6(a) of the Minimum Housing and Health Standards, which states: "Every housing premises shall be connected to the public sewage system, or to an approved private sewage disposal system. 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, pumpout sewage holding tanks, septic tanks and the disposal system shall be maintained in a proper operating condition". And Section 3(2) of the Housing Regulation, which states: "an owner shall ensure that the housing premises' plumbing system and facilities provided under subsection (1)(b) are free from defects and maintained in proper operating condition."
- b. The ground surface/soil surrounding the sewage holding tank and the housing premises is contaminated with human sewage effluent. This condition is in contravention of Section

2(2)(h)(i) of the Nuisance and General Sanitation Regulation, which states: “No person shall create, commit or maintain a nuisance; Without limiting the generality of subsection (1), a person who creates, commits or maintains any building that, due to it’s not being in a clean state 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.”

- c. The toilet in the basement washroom is in poor repair and is not functional. This condition is in contravention of Section 6(a) of the Minimum Housing and Health Standards, which states: “Every housing premises shall be connected to the public sewage system, or to an approved private sewage disposal system. 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, pumpout sewage holding tanks, septic tanks and the disposal system shall be maintained in a proper operating condition”. And Section 3(2) of the Housing Regulation, which states: “an owner shall ensure that the housing premises’ plumbing system and facilities provided under subsection (1)(b) are free from defects and maintained in proper operating condition.”
- d. Areas of the flooring on the stairs and ensuite washroom are damaged, lifting, or in a state of disrepair. This condition is in contravention of Section 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.”
- e. The walls in the kitchen are unfinished and not smooth or easy to clean. This condition is in contravention of Section 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.”

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 August 31, 2017.
2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. The Private Sewage Disposal System must be assessed and repaired or replaced as determined by a qualified Private Sewage Disposal System contractor. Ensure the system meets all requirements of the Alberta Private Sewage Systems Standards of Practice. Provide a report from an Alberta Safety Codes Officer after installation or repair of the septic system and obtain any permits required by Strathcona County. Ensure that the private sewage disposal system is maintained in good repair and working condition at all times.
 - b. Ensure the plumbing fixtures throughout the housing premises are in good repair and working condition.
 - c. Remediate the sewage contaminated soil surrounding housing premises, septic tank, and open discharge area.

- d. Repair or replace all damaged areas the walls and floors to ensure that they are in good repair, free of cracks, holes, loose or lifting coverings and in a condition that renders them easy to clean.
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 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 Leduc, Alberta, August 23, 2017

Confirmation of a verbal order issued to April Melo on August 23, 2017.

____(Original Signed)____

Kate Alexander, 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 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, Telus Plaza North Tower
10025 Jasper Avenue NW
Edmonton, Alberta, T5J 1S6
Phone: 780-222-5186
Fax: 780-422-0914
Email: HealthAppealBoard@gov.ab.ca
Website: <http://www.health.alberta.ca/about/PHAB.html>

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

Copy Strathcona County

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www.albertahealthservices.ca/eph.asp