

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

To: Daniel Good
Edmonton, Alberta

And To: All Occupants of the following Housing premises:

RE: **Lot 65, Block 23, Plan 2544TR
Municipally known as 225 Lee Ridge Road, 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. There was no smoke alarm installed in the premise, therefore no early warning system was available in the case of a fire.
- b. Water infiltration was noted entering through ceiling, over stair case, in basement and through bedroom and living room windows. Water was pooling above stairs, in north basement bedroom and in living room, which can cause increased humidity and mould growth.
- c. Water damaged, rotted or damaged building materials were noted in staircase walls, ceiling and walls, basement ceiling and walls, under kitchen sink, beam in south basement bedroom.
- d. Mould growth was observed under kitchen sink and in stair well.
- e. Front window pane was broken and has filled with water. North basement bedroom window was not installed or secured to structure, main level north bedroom window was boarded over with plywood, south basement window was cracked and multiple windows were not sealed, which can cause a laceration hazard and does not provide adequate weatherproofing.
- f. The roof and soffits were in disrepair, eavestroughs were not installed and the skirting was rotting and in disrepair in various locations around exterior of building, which does not provide adequate weatherproofing.

- g. Evidence of water infiltration was noted directly above electrical panel. Multiple exposed wires and uncovered outlets, fixtures and switches were noted, which can cause an electrical hazard.
- h. There were holes in the walls and ceiling on the main floor and basement. Closets and door jams were unfinished. Baseboards were removed, and could not be properly cleaned, allowing for the accumulation of dirt and debris.
- i. Stair case is in disrepair, hand rails were not installed and stair tread covers were in disrepair, which can result in a fall hazard.
- j. A tree was growing in window well of north basement bedroom and was blocking the egress window, which could prevent secondary means of egress in the case of a fire or other emergency.
- k. Kitchen sink was leaking.
- l. Multiple kitchen cupboard doors have been removed and water damage and mould were noted under kitchen sink, which does not allow for adequate storage of food.
- m. Insect screens were not installed in bedroom or living room windows, which does not provide proper weatherproofing and allows for insects to enter premises.
- n. An ant infestation was noted in living room walls.

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. Housing Regulation 173/99 s.4
There was no smoke alarm installed, which is a contravention on section 12 of the Minimum Housing and Health Standards which states that smoke alarms 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.
- B. Housing Regulation 173/99 s.4
Water infiltration was noted entering through ceiling, over stair case, in basement and through bedroom and living room windows. Water was pooling above stairs, in north basement bedroom and in living room, which is a contravention of section 1(b, d) of the Minimum Housing and Health Standards which states that (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).
- C. Housing Regulation 173/99 s.4
Mouldy, water damaged, rotted or damaged building materials were noted in staircase walls, ceiling and walls, basement ceiling and walls, under kitchen sink, and beam in south basement bedroom, which is a contravention of section 1(a,b,c,d) of the Minimum Housing and Health Standards which states that (a) the housing premises

shall be structurally sound (b) maintain premises in good repair and free from water infiltration and accumulation. (c) building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced (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. Nuisance and General Sanitation Regulation 243/2003 s.2

Mould growth was observed under kitchen sink and in stair well, which is a contravention of 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.

E. Housing Regulation 173/99 s.4

Front window pane is broken and has filled with water. North basement bedroom window was not installed or secured to structure, main level north bedroom window is boarded over with plywood, south basement window is cracked and multiple windows are not sealed, which are contraventions of Section 2 (b) of the Minimum Housing and Health Standards which states (i) All windows and exterior doors shall be: maintained in good repair, free of cracks and weatherproof.

F. Housing Regulation 173/99 s.4

The roof and soffits were in disrepair, eavestroughs were not installed and the skirting was rotting and in disrepair in various locations around exterior of building, which are contraventions of section 2(a) of the Minimum Housing and Health Standards which states all windows and exterior doors shall be maintained in good repair, waterproof, windproof and weatherproof condition.

G. Housing Regulation 173/99 s.4

Evidence of water infiltration was noted directly above electrical panel. Multiple exposed wires and uncovered outlets, fixtures and switches were noted, which are contraventions of section 11 of the Minimum Housing and Health Standards which states that outlets, switches and fixtures shall be properly installed and shall be maintained in a good and safe working condition.

H. Housing Regulation 173/99 s.4

There were holes in the walls and ceiling on the main floor and basement. Closets and door jams were unfinished. Baseboards were removed, which are contraventions of section 5(a) of the Minimum Housing and Health Standards which states that 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.

- I. Housing Regulation 173/99 s.4
Stair case is in disrepair, hand rails were not installed and stair tread covers were in disrepair, which are contraventions of section 3(c) of the Minimum Housing and Health Standards which states that interior or outside stairs or porches including all treads, risers, supporting structural members, rails, 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.
- J. Housing Regulation 173/99 s.4
A tree was growing in window well of north basement bedroom, blocking the egress window, which is in contravention of section 3(b) 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. (i) Windows referred to above shall provide unobstructed openings with areas not less than 0.35 m² (3.8ft²), with no dimension less than 380 mm (15"). (ii) If the window referred above is provided with security bars, the security bars shall be installed so they may be opened from the inside without the use of any tools or special knowledge.
- K. Housing Regulation 173/99 s.4
The kitchen sink was leaking, which is in contravention of section 6(c) of the Minimum Housing and Health Standards which states that all plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.
- H. Housing Regulation 173/99 s.4
Multiple kitchen cupboard doors have been removed and water damage and mould noted under kitchen sink, which is a contravention of section 14(a) of the Minimum Housing and Health Standards which states that (a) Every housing premises shall be provided with a food preparation area, which includes (ii) cupboards or other facilities suitable for the storage of food.
- I. Housing Regulation 173/99 s.4
Insect screens were not installed in bedroom or living room windows, which are contraventions of section 2(b) of the Minimum Housing and Health Standards which states that (iii) 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
- J. Housing Regulation 173/99 s.4
Ant infestation was noted in living room walls, which is in contravention of section 16 (a) of the Minimum Housing and Health Standards which states that the owner shall ensure that the housing premises are free of insect and rodent infestations; and (i) all situations requiring the application of pesticides shall be conducted in accordance with the Environmental Protection and Enhancement Act and regulation.

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 2, 2012.
2. That the owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Install operational smoke alarms near the sleeping areas.
 - b. Investigate the cause of all points of water infiltration and conduct appropriate repairs.
 - c. Remove and replace all building materials showing evidence of deterioration, water damage or rot.
 - d. Areas that are water damaged must be assessed for possible mould contamination. The owner or the owner's agent shall, at a minimum, contract a qualified consultant to fully and completely investigate and assess the building, including hidden cavities and surfaces, for the signs of water damage and moulds. This shall include intrusive and destructive investigation of hidden cavities and surfaces to the extent considered necessary in the opinion of the expert consultant. Intrusive and destructive testing may include, but is not limited to, cutting access holes in walls and ceilings, lifting carpets or vinyl sheet flooring, and removing wallpaper for investigation purposes.

The consultant contracted by the owner shall ensure and document that any and all mould remediation work completed was thorough and effective. That is, in the opinion of the consultant, the mould remediation work was effectively, thoroughly and satisfactorily completed in accordance with the protocols of New York City Department of Health (2008)¹, United States Environmental Protection Agency (USEPA, 2001) and Health Canada (1995, 2004, 2007) The consultant shall document the mould investigation, delineation and remediation work and shall submit the detailed report or reports to Alberta Health Services.

Mould remediation consisting of treatment only with a biocide or disinfectant (e.g., bleach) is not acceptable. The presence of any mould, whether alive or dead, on visible surfaces or hidden in cavities (e.g., wall cavities) presents an unacceptable situation requiring remediation by mould removal and surface cleaning. In addition, the application of a biocide or disinfectant following the completion of mould remediation, with the intent of inhibiting possible future fungal growth, is not considered effective, necessary or beneficial.

Following the completion of all mould remediation work, the consultant contracted by the owner shall collect representative air samples from each habitable floor of the building, including the basement, and attic. The consultant shall collect a minimum of one (1) air sample per floor for an open concept floor plan or a minimum of two (2) air samples per floor for a

compartmentalized floor plan. An open floor plan is where 75% or more of the floor footprint consists of 1 room. More samples per floor may be collected at the professional discretion of the consultant.

The consultant shall collect at least three (3) representative outdoor samples for each day of sampling in accordance with Health Canada (2004) recommendations. Outdoor/control samples shall be collected on the same day as indoor samples. The owner/consultant can store viable test samples for later analysis pending receipt of acceptable results of total fungal particulate samples. The characterization of outdoor variability assists in the assessment of indoor samples.

Fungal air sampling shall occur in compliance with Health Canada (2004) *Fungal Contamination in Public Buildings: Health Effects and Investigation Method*, page 41, and requires:

- Ventilation system is operational
 - Non quiescent conditions (i.e., sampling following or during quiescent periods is not acceptable – sampling conditions must occur during or simulate disturbance conditions associated with normal occupancy)
 - Sampling is not to occur during or immediately following precipitation events. AHS recommends a 24 hour buffer period between the end of a precipitation event and air sampling
 - Allow one or two hours between start and end of triplicate outdoor control or background air sampling (i.e., one outdoor sample at the start, midway and end of indoor sampling)
 - One of the outdoor control samples shall be collected at the furnace outdoor air intake grill. If the air intake grill is not accessible, the test location is at the discretion of the consultant but sampling on the windward side of the structure is recommended.
- e. Ensure all plumbing fixtures are serviceable and free from leaks trapped, vented to the outside and are in accordance with the Alberta Building Code.
- f. Ensure all windows are in good repair and adequately weatherproof.
- g. Ensure all openable windows are provided with insect screens and that the insect screens are in good condition.
- h. Modify or replace stair tread covers and guardrail on the basement stair case and ensure the staircase meets the current Alberta Building Code.
- i. Ensure all outlets, switches, fixtures and electrical box are properly installed and maintained in a good and safe working condition. Hire a qualified electrician to conduct an assessment and all necessary repairs of the affected electrical components. Provide a report to Alberta Health Services for review.

- j. Ensure the roof, exterior cladding, skirting and soffits are in good repair and water proof.
 - k. Ensure all walls, 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. 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.
 - l. Remove tree from window well and ensure an unblocked egress path.
 - m. Repair or replace kitchen cupboards. Ensure all damaged material is replaced and that doors are installed.
 - n. Provide copies of invoices to this office from a licensed pest control operator for necessary treatment related to the ant infestation from the present, until such time that pest control issues have been resolved.
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.

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 31, 2012

Original Signed
Eleanor Lee, B.Sc, B.EH(AD), CPHI(C)
Executive Officer & Environmental Health Officer
Environmental Public Health
Alberta Health Services
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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