

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

- To:** Frank C. Mackay, Trevor Bigl
And: The registered owner and any agent of the owner in actual or apparent possession or control of land or premises.
- And To:** All Occupant(s) of the following Housing premises:
- RE:** Those housing premises located in Spruce Grove, Alberta and municipally described as: Basement Suite of 4 Miller Place.

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. There are numerous plumbing deficiencies such as a sewer drain extending out of the floor in a common hallway; sewer drain and sink drains are plugged with cloth to prevent sewer gas coming through; missing p-trap beneath kitchen sinks, open plumbing lines are not properly sealed through walls and do not appear to be installed correctly.
- b. Moisture meter readings taken around the floor of the shower stall within the washroom are extremely high indicating moisture under the linoleum; there is black residue on the floor against the shower stall.
- c. Shower stall compartment is loose; drywall adjacent to the stall is worn, rotting and in disrepair.
- d. There is a gaping hole in the bathroom ceiling with a vent hanging down
- e. The basement bedroom window measure 26.5" X 10" which is not regulation size preventing emergency egress.
- f. The smoke alarm is sitting loose on top of a cupboard and not in good working order.
- g. There are electrical deficiencies such as electrical plug-in outlets in both bedrooms are missing protective covers; both plugs are painted over; electrical wires are dangling in the furnace room creating electrical hazards.
- h. There is extensive disrepair throughout such as damaged and missing floor coverings, holes and cracks in living room and hallway ceiling tiles as well as missing ceiling tiles in the hall; lifting/tearing carpet on a bottom step of the stairs, missing baseboards in the main floor back bedroom, washroom, kitchen, living room, beneath kitchen sinks and cabinetry; missing millwork beneath kitchen sinks; hole in the kitchen wall between the refrigerator and stove.
- i. Evidence of mice infestation, such as mouse traps, presence of a dead mouse and extensive mice droppings throughout the basement suite creating unsanitary conditions and potential health hazard to the occupants' health.

- j. There is an accumulation of debris, boxes, materials and mice droppings in a crawlspace off the basement suite creating unsanitary conditions.

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
The plumbing deficiencies which is in contravention of section IV(6)(a) of the Minimum Housing and Health Standards 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, pumpout sewage holding tanks, septic tanks and the disposal system shall be maintained in a proper operating condition; and in compliance with section IV(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. **(a above)**
- b. Housing Regulation 173/99 s.4
Bathroom finishes being in disrepair are contraventions of section III (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
a) 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. **(b,c,d above)**
- c. Housing Regulation 173/99 s.3
The bedroom window that is not regulation size preventing egress in case of emergency is in contravention of section III(3)(b)(i) of the Minimum Housing and Health Standards which states that: 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"). **(e above)**
- d. Housing Regulation 173/ s.4
Inoperable smoke alarm is in contravention of section IV(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.**(f above)**
- e. Housing Regulation 173/99 s.4
Electrical deficiencies are 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. **(g above)**

- f. Housing Regulation 173/99 s.4
Extensive disrepair to the finishes are in contravention of section III(5) 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; and section III(1)(c) which states: Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced. **(h above)**
- g. Housing Regulation 173/99 s.4
Mice infestation is a contravention of section V (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 (ii) whenever a pesticide is applied in a dwelling, the occupant shall be notified in accordance with the latest edition of the Environmental Code of Practice for Pesticides published by Alberta Environmental Protection. **(i above)**
- h. Nuisance and General Sanitation Regulation 243/2003 s.2
Insanitary condition within the crawl space which is in contravention of Part 1, section 2(1) which states that: No person shall create, commit or maintain a nuisance, and section 2(2)(a) which states that without limiting the generality of subsection (1), a person who creates, commits or maintains any premises in a condition that is of may become injurious or dangerous to the public health of that might hinder in any manner the prevention or suppression of disease is deemed to have created, committed or maintained a nuisance. **(j above)**

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 February 25th, 2016..
2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Prior to performing any work inside the above noted premises apply for and obtain all permits and approvals required by law, including, but not limited to, electrical and plumbing permits.
 - b. Repairs to the plumbing system must be completed to ensure that it is in a good and safe operating condition. Documentation of any repairs must be provided by a qualified plumber and a copy must be provided to this office. The report must

state that the plumbing system and the sanitary drainage system, including drains, fixtures, traps, vents, stacks, any waste disposal facilities, and disposal system are in proper operating condition.

- c. Repairs to the electrical system must be completed to ensure that it is in a good and safe operating condition. A qualified electrician is required to inspect the electrical system and conduct appropriate repairs. Documentation of all repairs and upgrades must be provided by a qualified electrician and a copy must be provided to this office. That report must state that all outlets, switches and fixtures, including electrical service panels and associated conduits, are properly installed and maintained in a good and safe working condition.
 - d. Ensure the bedroom meets the requirements for emergency egress under section III(3)(b)(i) of the Minimum Housing and Health Standards as stated "Windows shall provide unobstructed openings with areas not less than 0.35 sq m (3.8 sq ft), with no dimension less than 380mm (15").
 - e. Remove all rotten and water damaged materials. Repair or replace all walls, ceilings, floors and floor coverings that are in disrepair so that they are free from cracks, holes, loose or lifting coverings and in a condition that renders it easy to clean.
 - f. Hire a qualified pest control company to assess the extent of pest infestation in the premises. Ensure that all necessary pest control measures are taken to remediate the pest issue in the premises. Provide a copy of the invoice regarding the pest control treatment from the pest control company to this office.
 - g. Ensure the bathroom mechanical fan is secured to the ceiling and in good working order.
 - h. Ensure the suite is equipped with an operational smoke alarms installed outside all bedrooms.
 - i. Remove all debris collected within the crawl space.
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 Spruce Grove, Alberta, February 11, 2016

_____(Original Signed)_____
Carol Sobkow Alloway CPHI(C)
Executive Officer
Environmental Health Officer

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: 780-427-2813
Fax: 780-422-0914
Email: health.appealboard@gov.ab.ca

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.

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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

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www.albertahealthservices.ca/eph.asp