

ORDER OF AN EXECUTIVE OFFICER CLOSED FOR TENANT ACCOMODATION

To: Mary Scott and James Scott
"Owners"

RE: Municipally known as 4425 – 118 Avenue Suite B Edmonton, Alberta

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 were several cracked or chipped laminate floor tiles in the hallway.
- b. There was no smoke alarm positioned on the ceiling outside the bedroom.
- c. There was yellow foam insulation sprayed around the suite entrance door frame.
- d. There was a significant amount of water damage in the living room located on the ceiling and above the window. There had been several attempts to patch over the water damaged materials on the ceiling; one large area had been cut out and new unfinished drywall had been installed. Part of the drywall putty on the wall above the living room window had cracked and in the areas where the putty was missing there was a moldy surface underneath.
- e. There was water damaged materials in the bedroom located above and below the window. Part of the drywall putty on the wall below the bedroom window had lifted and in the areas where the putty was missing there was a moldy surface underneath.
- f. There was a significant amount of water damage noted on the ceiling in the bathroom. Part of the ceiling putty had lifted and in the area that was missing putty there was a moldy surface underneath.
- g. There was a significant amount of water damage on the drywall above the plastic surround in the bathroom shower area. A section of approximately two feet by two feet around the shower head was covered using a plastic tape.
- h. A section approximately two feet by two feet on the bathtub plastic surround around the bathtub faucet set had been covered using plastic tape.
- i. The caulking around the bathtub plastic surround was inadequate as it was lifting or missing.
- j. The bathroom sink cabinet did not have a proper counter surface, the sink was recessed into the cabinet and a loose board that functioned as part of the counter sat at the side of the sink. There were large gaps around the front corners of the sink that was trapping dirt and debris and the cabinet surface around the recessed sink was constructed of unfinished chip board.
- k. There were gaps seen between the walls and the bathroom cabinet.

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. There were several cracked or chipped laminate floor tiles in the hallway which is 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.
- b. There was no smoke alarm positioned on the ceiling outside the bedroom which 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.
- c. There was yellow foam insulation sprayed around the suite entrance door frame which is 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.
- d. There was a significant amount of water damage in the living room located on the ceiling and above the window. There had been several attempts to patch over the water damaged materials on the ceiling; one large area had been cut out and new unfinished drywall had been installed. Part of the drywall putty on the wall above the living room window had cracked and in the areas where the putty was missing there was a moldy surface underneath 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 and Housing Regulation section 5(2) No person shall cause or permit any condition in housing premises that is or may become injurious or dangerous to the public health, including any condition that may hinder in any way the prevention or suppression of disease.
- e. There was water damaged materials in the bedroom located above and below the window. Part of the drywall putty on the wall below the bedroom window had lifted and in the areas where the putty was missing there was a moldy surface underneath 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 and Housing Regulation section 5(2) No person shall cause or permit any condition in housing premises that is or may become injurious or dangerous to the public health, including any condition that may hinder in any way the prevention or suppression of disease.
- f. There was a significant amount of water damage noted on the ceiling in the bathroom. Part of the ceiling putty had lifted and in the area that was missing putty there was a moldy surface underneath 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 and Housing Regulation section 5(2) No person shall cause or permit any condition in housing premises that is or may become injurious or dangerous to the public health, including any condition that may hinder in any way the prevention or suppression of disease.

- g. There was a significant amount of water damage on the drywall above the plastic surround in the bathroom shower area. A section of approximately two feet by two feet around the shower head was covered using a plastic tape which is in contravention of section III(5)(a) of the Minimum Housing and Health Standards which states that: 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.
- h. A section approximately two feet by two feet on the bathtub plastic surround around the bathtub faucet set had been covered using plastic tape which is in contravention of
- i. The caulking around the bathtub plastic surround was inadequate as it was lifting or missing which is in contravention of section III(5)(a) of the Minimum Housing and Health Standards which states that: 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. The bathroom sink cabinet did not have a proper counter surface, the sink was recessed into the cabinet and a loose board that functioned as part of the counter sat at the side of the sink. There were large gaps around the front corners of the sink that was trapping dirt and debris and the cabinet surface around the recessed sink was constructed of unfinished chip board which is contravention of section III(5)(a) of the Minimum Housing and Health Standards which states that: 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.
- k. There were gaps seen between the walls and the bathroom cabinet which is in contravention of section III(5)(a) of the Minimum Housing and Health Standards which states that: 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.

All suites **AND WHEREAS**, by virtue of the foregoing, the above noted premises are hereby declared Closed for Tenant Occupancy Purposes.

NOW THEREFORE, I hereby **ORDER** and **DIRECT**:

1. That the occupants vacate the above noted premises on or before 31 May 2017.
2. That the Owner undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. As this home was built prior to 1990 you must retain the services of an **Environmental Consultant or Industrial/Occupational Health Hygienist, be approved by Alberta Health Services and prior to any renovations being completed you must have the Environmental Consultant** assess the conditions within the above noted premises including performing applicable sampling for asbestos containing materials. This testing must be performed prior to the commencement of repairs.

- b. In the event asbestos is present **provide Environmental Public Health with a written asbestos management/abatement plan in accordance with the Alberta Occupational Health and Safety Code for Asbestos abatement.**
 - c. Then the environmental consultant will assess the conditions within the above noted premises for all water damaged materials and mould including the assessment is to include the entire premises including the attic, wall and floor cavities, and crawlspaces. A full pre mould remediation inspection report is required. At a minimum the report must describe the building construction, finishes, materials and components and recommendations for restoration. All hazardous building materials are to be properly managed and disposed of in accordance with government standards and guidelines and industry codes of practice. Once the materials have been removed and a post mould remediation report is required this will include environmental air quality sampling and photographic evidence that all mouldy material has been. **Testing and reporting shall follow the requirements outlined in Alberta Health Services' Fungal Air Testing Protocol.**
 - d. As the significant amount of water damage came from the roof, a roof report will be required from a qualified roofing person indicating that the roof is in good repair and impervious to water infiltration.
 - e. Install a functional smoke alarm on the ceiling outside the bedroom area and ensure that it is operational at all times.
 - f. Repair or replace all the finishes in the bathroom so that they are in good repair, impervious to water and easy to clean. 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
 - g. Ensure that the bathroom is equipped with either an adequate cabinet with the sink properly mounted on top or a pedestal sink.
 - h. Clean up the foam insulation around the entrance door for the suite and ensure that the surface around the door can be adequately cleaned. Ensure that all exterior doors are maintained in good repair, free of cracks and weather proofed.
 - i. Replace all broken and cracked floor tiles. Ensure that all walls, windows, ceilings, floors, and floor coverings are maintained in good repair, free of cracks, holes, loose or lifting coverings and are in a condition that renders it easy to clean
 - j. 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
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

Be Advised:

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 16 May, 2017

_____(Original Signed)_____
Ingrid Bohac, CPHI(c)
Executive Officer
Alberta Health Services

tel: (780) 735-1787 **fax:** (780) 735-1801

Confirmation of an oral order to Owner 17 May 2017.

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 Reception, Main Floor. Telus Plaza, 10025 Jasper Avenue, Edmonton, Alberta, T5J 1S6, Telephone 780-427-2813 Fax 780-422-0914.

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.

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