

ORDER OF AN EXECUTIVE OFFICER UNFIT FOR HUMAN HABITATION

To: Theodore Kulchisky
Edmonton, Alberta

RE: Plan 2091HW, Block B, Lot 1
Municipally known as 19, 4515 – 76 Avenue NW, 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. Smoke detectors were missing.
- b. The bedroom north window was too small for emergency egress and could not be opened. There was a room used as bedroom next to the kitchen and did not have emergency egress.
- c. Floor slope towards the north wall was noted in the kitchen area.
- d. There was no supply of electrical power and gas throughout the premises
- e. The front door was in disrepair and did not open. Windows throughout the premises were not properly secured
- f. Insect screens were missing throughout the premises.
- g. The floor covering was missing and unfinished in the bedroom.
- h. There were holes in the walls throughout the premises.
- i. Seal around the bathtub was in disrepair.
- j. The outlet covers and switch plates were removed or missing throughout the premises.
- k. Exposed electrical conductors in the living room and kitchen area
- l. Missing light covers throughout the premises.

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. Violation [a.] 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. Violation [b.] 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 sprinkled, 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.

- c. Violations [c.] are in contravention of section 3(1) of the Housing Regulation which states that an owner shall ensure that (a) the housing premises are (i) structurally sound, (ii) in a safe condition, (iii) in good repair and, (iv) maintained in a waterproof, windproof and weatherproof condition.
- d. Violation [d.] is in contravention of section 8(d) of the Minimum Housing and Health Standards which states every owner of a housing premises shall ensure a continuous supply of electricity, water and heat unless the rental agreement stipulates that such utility services are the sole responsibility of the occupant.
- e. Violations [e.] are in contravention of section 2(b)(i) of the Minimum Housing and Health Standards which states that all windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof.
- f. Violation [f.] is in contravention of section 2(b)(iii) of the Minimum Housing and Health Standards which states during the portion of the year where 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.
- g. Violations [g., h., and i.] are in contravention of section 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 and 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. (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) Rooms and sections of rooms that are used for food preparation and cooking shall have walls and floors constructed of materials which do not provide harbourage to dirt, grease, vermin and bacteria and that are easily kept clean.
- h. Violations [j., k., and l.] are in contravention 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.

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 owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:

- a. Ensure all smoke detectors are installed and are in good working order.
 - b. Ensure all bedroom windows provide unobstructed openings with areas not less than 0.35 m² (3.8ft²), with no dimension less than 380 mm (15"). All egress windows must open directly to the outside and have unobstructed egress paths away from the premises. Ensure all egress windows are maintained in good repair and are easy to open and are capable of staying in the open position.
 - c. Ensure floor in the kitchen area is properly leveled.
 - d. Ensure an adequate supply of electricity and gas.
 - e. Ensure that exterior doors are maintained in good repair, free of cracks and weatherproof. Ensure all windows and exterior doors can be properly secured.
 - f. Ensure insect screens are installed on all openable windows and are effective and maintained in good repair
 - g. Ensure all walls, ceilings, 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. Seal around the bathtub must also be replaced to prevent water infiltration.
 - h. Ensure all outlets, switches and light fixtures are properly installed and maintained in a good and safe working condition.
 - i. 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.
2. 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 Edmonton, Alberta, August 11, 2016

_____(Original Signed)_____
Elio Moreno, MPH, BSc, 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 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.

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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