

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

**To:** **Nicole Shawna Allan**  
"the owner"

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

**RE:** Those housing premises located in Gibbons, Alberta and municipally described as:  
Plan 1756HW; Block 5; Lot 19  
4807 - 51 Street, Gibbons, Alberta

**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 decks and hand railings located at the front and rear entrances are unstable and/or damaged.
- b. The exterior cladding of the house including but not limited to the eaves troughs, roof shingles, wood soffits, wood trim, concrete parging and stucco are rotting and/or in disrepair.
- c. Water infiltration into the attic and cellar is of concern due to severely damaged roof shingles, damaged and/or non functioning eaves troughs and due to the lack of down pipe extensions required for diverting roof runoff water away from the damaged foundation.
- d. Potential points of entry for vermin are being created due to the gaps created by the roof soffits separating from the roof, damaged screens for attic ventilation holes and the presence of major cracks in the damaged foundation.
- e. The house appears to be unstable as it is shifting off of the foundation along the north side, a gap is being created along the south side and the rear door frame is twisting.
- f. The electrical wiring for an exterior outlet is not properly installed as unsecured wiring is protruding through a gap in the south foundation to a dangling outlet. The tenant also reported that the light bulbs for the ceiling light fixture located in the south bedroom immediately burn out as soon as the fixture is turned on. The light fixture was observed to not be functioning.
- g. The rear entrance storm and main doors are in disrepair; they do not close properly as the door frame is twisted and the doors are not capable of being latched in the closed position. The storm door is missing the handle/latch and the main door handle does not latch into the door frame.
- h. The wooden door frame for the rear entrance door is demonstrating wood rot.
- i. The window for the north bedroom is not properly installed or is defective as it comes out of the frame when opened.

- j. Window screen are missing for the north bedroom, the bathroom and rear screen door windows.
- k. The toilet is not functioning properly as it takes several flushes to empty the bowl.
- l. The caulking around the tub surround is damaged and no longer forming a water tight seals between the wall and tub.
- m. The smoke alarm located in the kitchen is not functioning. There is no smoke alarm located in the hallway that serves the south bedroom.
- n. There is no carbon monoxide alarm installed although there are gas space heaters and gas appliances being utilized within the housing premises.
- o. The gas space heater located in the living room is demonstrating rusting on the venting and inside top of the cabinet. The tenant reported that they periodically detect a gas odor when the living room gas space heater goes on. There was an ATCO gas report dated 2007 attached to the heater indicating venting concerns.
- p. The tenant reported that the gas space heaters are inadequate during cold winter days as the water lines to the washing machine freeze and electric space heaters are required to heat the bedrooms.

**AND WHEREAS** such inspection disclosed that the following breaches of the Public Health Act and the Housing Regulation, Alberta Regulation 173/99, the Minimum Housing and Health Standards and the Nuisance and General Sanitation Regulation 243/2003 exist in and about the above noted premises, namely:

- a. The decks and hand railings located at the front and rear entrances are unstable and/or damaged which is in contravention of section III(3)(c)(i) of the Minimum Housing and Health Standards which states that; Inside 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.
- b. The exterior cladding of the house including but not limited to the eaves troughs, roof shingles, wood soffits, wood trim, concrete parging and stucco are rotting and/or in disrepair which is in contravention of section 3(1)(a) of the Alberta Housing Regulation which states that; An owner shall ensure that 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.
- c. Water infiltration into the attic and cellar is of concern due to severely curled roof shingles, rotten rear door frame, damaged and/or non functioning eaves troughs and due to the lack of down pipe extensions required for diverting roof runoff water away from the damaged foundation which is in contravention of section III1(b)(c) of the Minimum Housing and Health Standards which states that; Basements, cellars or crawl spaces shall be structurally sound, maintained 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. Potential points of entry for vermin are being created due to the gaps created by the roof soffits separating from the roof, damaged screens for attic ventilation holes and the presence of major cracks in the damaged foundation which is in 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 insects and rodent infestations.

- e. The house appears to be unstable as it is shifting off of the foundation along the north side, a gap is being created along the south side and the rear door frame is twisting which is in contravention of section III(1)(a)(b)(c)(d) of the Minimum Housing and Health Standards which states that; (a)The housing premises shall be structurally sound, (b) Basements, cellars or crawl spaces shall be structurally sound, and maintained 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, and (d) Repairs or modifications required by the Executive Officer 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).
- f. The electrical wiring for an exterior outlet is not properly installed as unsecured wiring is protruding through a gap in the south foundation to a dangling outlet. The tenant also reported that the light bulbs for the ceiling light fixture located in the south bedroom immediately burn out as soon as the fixture is turned on. The light fixture was observed to not be functioning which is in contravention of section IV(11) of the Minimum Housing and Health Standards which states that; Every housing premise 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. The rear entrance storm and main doors are in disrepair; they do not close properly as the door frame is twisted and the doors are not capable of being latched in the closed position. The storm door is missing the handle/latch and the main door handle does not latch into the door frame which is in contravention of section III(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.
- h. The wooden door frame for the rear entrance door is demonstrating wood rot which is in contravention of section III(2)(b) 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.
- i. The window for the north bedroom is not properly installed or is defective as it comes out of the frame when opened which is in contravention of section III(2)(b) 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.
- j. Window screen are missing for the north bedroom, the bathroom and rear screen door windows which is in contravention of section III(2)(b)(iii) of the Minimum Housing and Health Standards which state that; 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.
- k. The toilet is not functioning properly as it takes several flushes to empty the bowl 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, pump out sewage holding tanks, septic tanks and the disposal system shall be maintained in a proper operating condition.

- l. The caulking around the tub surround is damaged and no longer forming a water tight seal between the wall and tub 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.
- m. The smoke alarm is improperly located in the kitchen and is not functioning. There is no smoke alarm located in the hallway that serves the south 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, and 12)(a) Smoke alarms shall be operational and in good repair at all times.
- n. There is no carbon monoxide alarm installed although there are gas space heaters and gas appliances being utilized within the housing premises which is creating a public health nuisance being 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 which is in contravention of section 2(1) and 2(2)(a) of the Nuisance and General sanitation Regulation which states that; 2(1) No person shall create, commit or maintain a nuisance, 2(2)(a) Without limiting the generality of subsection (1), a person who creates, commits or maintains 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.
- o. The gas space heater located in the living room is demonstrating rusting on the venting and inside the top of the cabinet. The tenant reported that they periodically detect a gas odor when the living room gas space heater goes on. There was an ATCO gas report dated 2007 attached to the heater indicating venting concerns which is in contravention of section IV(8)(a) of the Minimum Housing and Health Standards which states that; (a) All heating facilities within a housing premises are to be properly installed and maintained in good working condition, and be capable of safely and adequately heating all habitable rooms, bathrooms, and toilet rooms within the building to a temperature of at least 22 ° C (71 ° F);
- p. The tenant reported that the gas space heaters are inadequate during cold winter days as the water lines to the washing machine freeze and electric space heaters are required to heat the bedrooms which is in contravention of section IV(8)(a)(c) of the Minimum Housing and Health Standards which states that; (a) All heating facilities within a housing premises are to be properly installed and maintained in good working condition, and be capable of safely and adequately heating all habitable rooms, bathrooms, and toilet rooms within the building to a temperature of at least 22 ° C (71 ° F); (c) Cooking appliances and portable space heaters shall not be used as the primary source for the required heat to a habitable room.

**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 **before May 1, 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 for the above noted premises apply for and obtain all permits and approvals required by law including but not limited to electrical, gas and building permits.
  - b. **Immediately** replace the smoke alarm ensuring that an alarm is installed outside of the north bedroom and in the hall way that serves the south bedroom. Ensure that a carbon monoxide alarm is properly installed within the housing premises.
  - c. Inspection and repairs to the gas space heaters must be completed by a qualified plumbing and gas person to ensure that they are in good and safe operating condition. Documentation of the inspection and required repairs must be provided by a qualified plumbing and gas person and a copy must be provided to this office **no later than April 1, 2016**. The report must address the gas heating systems including the heaters, plumbing and venting. A final report must be provided by a qualified plumbing and gas person indicating that any repairs or upgrades have been properly done and that the gas appliances are in a safe operating condition and capable of maintaining a minimum of 22 °C (71°F) throughout the entire housing premises.
  - d. Inspection and 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 inspections and required repairs or upgrades must be provided by a qualified electrician and a copy must be provided to this office **no later than April 1, 2016**. The report must address all outlets, switches, fixtures including electrical service panels, and associated conduits. A final report must be provided by a qualified electrician indicating that repairs or upgrades are properly installed and that the electrical system is maintained in good and safe working condition.
  - e. Remove and replace all rotten and water damaged building materials including but not limited to exterior trim, soffits, roofing, decking, and door frames.
  - f. Inspection and repairs to the exterior cladding, decking, railing, roofing and foundation of the housing premises must be completed ensuring that they are safe, stable, weatherproof, and vermin proof. Documentation of structural repairs must be provided by a qualified building contractor and a copy must be provided to this office. The report must address the exterior cladding, decking, railing, roofing and foundation. A final report must be provided by a qualified building contractor indicating that repairs or upgrades done to the exterior cladding, decking, railing, roofing and foundation of the housing premises are, stable, safe, weatherproof and in compliance with the building code requirements.
  - g. Repair and/or replace damaged eaves troughs and down pipes ensuring that they function such that all roof run-off water is diverted away from the housing premises foundation. Grade the ground surface such that surface water is diverted away from the foundation.

- h. Repair and/or replace the entrance doors and framing ensuring that they close and latch properly and that they are weatherproof.
  - i. Repair and/or replace the window located in the north bedroom and ensure that all windows have proper fitting window screens in place.
  - j. Repair or replace the toilet ensuring that it functions properly.
  - k. Ensure that the bathroom walls form a watertight joint with each other, the floor, the ceiling and with the bathtub.
3. That until such time as all 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 St. Albert, Alberta, March 22, 2016.

\_\_ (Original Signed) \_\_  
Colin Charest, 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: 780-427-2813  
Fax: 780-422-0914.  
Email: [health.appealboard@gov.ab.ca](mailto: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](http://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](http://www.health.alberta.ca/about/health-legislation.html)*