

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

To: Allan and Sylvia Oakley
“the Owner”

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

RE: Those housing premises located in Gibbons, Alberta and municipally described as: #35, 4839 – 47 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 housing premises was not weatherproof as there was evidence, (staining, moist / rotted / and moldy building materials), of previous and current water infiltration on the ceiling panels and walls located in the livingroom, hallway, kitchen and bedrooms.
- b) Excess moisture and/or moldy/rotted building materials were evident in the ledge of the living room bay window, on the walls under both of the children’s bedrooms and hallway windows, the ceiling of one of children bedroom, the inside of the bathroom vanity as well as behind the toilet.
- c) The air quality within the housing premises has been compromised due to the presence of molding / rotting building materials which are injurious or dangerous to the occupants’ health.
- d) There were gaps between the exterior siding of the mobile home and the window frames as there was no window capping in place.
- e) The exterior steps for the main entrance were in a state of disrepair.
- f) A panel of glass has separated from the center of the livingroom bay window frame. The window located in the master bedroom was cracked.
- g) Several walls and a portion of the ceiling within the housing premises were structurally damaged with exposed fiberglass insulation.
- h) The flooring in the kitchen, hallway, bedrooms and bathroom were in in a state of disrepair as there were loose and/or missing laminate planks or lifting linoleum. Several floor vents covers off the heating ducting were missing.
- i) The caulking required to form a watertight joint between the washroom floor, walls and tub surround was damaged and/or missing.

- j) The flooring in the food preparation area was capable of providing harbourages for dirt and vermin as it was in a state of disrepair due to portions of the laminate being missing or incomplete.
- k) The drain for the bathroom hand sink was not functioning or properly connected to the sewer system as a large overflowing 5 gallon pail was being used to capture water from the sink basin.
- l) The mechanical ventilation located in the bathroom was not functioning properly as it was plugged with lint.
- m) There was an electrical wire protruding through the wall above the stove where the canopy hood had been located.
- n) The electrical outlet located in close proximity to the kitchen sink was not GFI rated.
- o) An electrical outlet located in one of the children's bedroom appeared to have shorted out.
- p) There were several electric outlet covers missing in various locations throughout the housing premises including the children's bedrooms.
- q) There was no functional smoke alarm located in the hallway that serves the bedrooms.
- r) The kitchen cupboards were in a state of disrepair as the cabinet doors/fronts were missing and the base under the sink was partially detached.

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 housing premises was not weatherproof as there was evidence, (staining, moist / rotted / and moldy building materials), of previous and current water infiltration on the ceiling panels and walls located in the livingroom, hallway, kitchen and bedrooms. This is in contravention of section 2(a) of the Minimum Housing and Health Standards which states that, "The roof and exterior cladding of walls shall be maintained in a waterproof, windproof and weatherproof condition"
- b. Excess moisture and/or moldy/rotted building materials were evident in the ledge of the living room bay window, on the walls under both of the children's bedrooms and hallway windows, the ceiling of one of children bedroom, the inside of the bathroom vanity as well as behind the toilet. This is in contravention of section 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".
- c. The air quality within the housing premises has been compromised due to the presence of molding / rotting building materials which are injurious or dangerous to the occupants' health. This is in contravention of section 2(1) of the Nuisance and General Sanitation Regulation which states that, "No person shall create, commit or maintain a nuisance".
- d. There were gaps between the exterior siding of the mobile home and the window frames as there was no window capping in place. This is in contravention of section 2(a) of the Minimum Housing and Health Standards which states that, "The roof and exterior cladding of walls shall be maintained in a waterproof, windproof and weatherproof condition"

- e. The exterior steps for the main entrance were in a state of disrepair. This is in contravention of section 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”.
- f. A panel of glass has separated from the center of the livingroom bay window frame. The window located in the master bedroom was cracked. This is 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”.
- g. Several walls and a portion of the ceiling within the housing premises were structurally damaged with exposed fiberglass insulation. The flooring in the kitchen, hallway, bedrooms and bathroom were in in a state of disrepair as there were loose and/or missing laminate planks or lifting linoleum. Several floor vents off the heating ducting were missing covers. This is in contravention of section 1(a) of the Minimum Housing and Health Standards which states that, “The housing premises shall be structurally sound”.
- h. The caulking required to form a watertight joint between the washroom floor, walls and tub surround was damaged and/or missing. This is in contravention of section 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”.
- i. The flooring in the food preparation area was capable of providing harbourages for dirt and vermin as it was in a state of disrepair due to portions of the laminate being missing or incomplete. This is in contravention of section 5(b) of the Minimum Housing and Health Standards which states that, “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 harbourages to dirt, grease, vermin and bacteria and that are easily kept clean”.
- j. The drain for the bathroom hand sink was not functioning or properly connected to the sewer system as a large overflowing 5 gallon pail was being used to capture water from the sink basin. This is in contravention of section 6(a) of the Minimum Housing and Health Standards which states that, “The plumbing system and the sanitary drainage 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”.
- k. The mechanical ventilation located in the bathroom was not functioning properly as it was plugged with lint. This is in contravention of section 7(c) of the Minimum Housing and Health Standards which states that, “All rooms containing a flush toilet and/or bathtub or shower shall be provided with natural or mechanical ventilation”.
- l. There was an electrical wire protruding through the wall above the stove where the canopy hood had been located, the electrical outlet located in close proximity to the kitchen sink was not GFI rated, an electrical outlet located in one of the children’s bedroom appeared to have shorted out, and there were several electric outlet covers missing in various locations throughout the housing premises including the children’s bedrooms. This is in contravention of section 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”.

- m. There was no functional smoke alarm located in the hallway that serves the bedrooms. This is in contravention of 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”.
- n. The kitchen cupboards and counter were in a state of disrepair as the cabinet doors/fronts were missing and the base under the sink was partially detached. This is in contravention of section 14(a)(ii) and (iii) of the Minimum Housing and Health Standards which states that, “(a)(ii) Every housing premises shall be provided with a food preparation area, which includes: cupboards or other facilities suitable for the storage of food; and (a)(iii) a counter or table used for food preparation which shall be of sound construction and finished with surfaces that are easily cleaned”.

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 13, 2018.
- 2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Retain the services of a professional qualified roofer/sider to evaluate the cause of water infiltration through the roof and walls and to repair as required. A written report is to be submitted to the Public Health Department with Alberta Health Services.
 - b. Remove and replace all building materials that have been damaged or show evidence of rot, mould or other deterioration.
 - c. Improve air quality by removing the source of contaminate and repairing/removing any building deficiencies contributing to air quality concerns. The furnace and ducting are to be professionally cleaned. It is strongly advised that you consult with and/or hire an environmental consultant.
 - d. Repair and/or replace floors and floor coverings such that they are in good repair, free of cracks, holes, loose or lifting coverings and in a condition that renders it easy to clean. Install floor vents covers for the floor heating ducting.
 - e. Repair the exterior steps for the main entrance.
 - f. Repair and/or replace damaged windows and exterior doors ensuring they are in good repair, free of cracks and weatherproof.
 - g. Repair and/or replace building materials within the bathroom ensuring that all walls and floors are smooth, non-absorbent to moisture and easy to clean and form a watertight joint with each other, the floor, the ceiling.
 - h. Retain the services of a professional plumber to repair the plumbing deficiency for the bathroom hand sink ensuring that it is in a proper operating condition. A written

report is to be submitted to the Environmental Public Health Department with Alberta Health Services.

- i. Repair or replace the mechanical ventilation located in the bathroom.
 - j. Retain the services of a professional electrician to evaluate and repair the electrical system ensuring that all outlets, switches and fixtures are properly installed and in a good and safe working condition. A written report is to be submitted to the Public Health Department with Alberta Health Services.
 - k. Install a functional smoke alarm in the hallway that serves the bedrooms.
 - l. Repair or replace the kitchen cupboards and counters ensuring that they are of sound construction and finished with surfaces that are easily cleaned.
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.

DATED at St. Albert, Alberta, August 1, 2018.

Confirmation of a verbal order issued to Allan Oakley on July 31, 2018.

_____ (*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, ATB Place North Tower
10025 Jasper Avenue NW
Edmonton, Alberta, T5J 1S6
Phone: 780-222-5186
Fax: 780-422-0914
Email: HealthAppealBoard@gov.ab.ca
Website: <http://www.health.alberta.ca/about/PHAB.html>

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.

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