

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

To: Richard Cote
"the Owner"

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

RE: Those housing premises located in Leduc County, Alberta and municipally described as:
51047B Range Road 235
NW-5-51-23-W4M, Plan 9322261, Block 1

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 Private Sewage Disposal System is in disrepair and is not functioning.
- b. The lid to the septic tank is open with a black hose extending out of the opening with a large amount of sewage effluent ice build-up observed on the ground surface surrounding the septic tank.
- c. The toilet in the South washroom is in disrepair and is not able to dispose of waste products.
- d. There is brown staining, water marks, and debris consistent with contamination of sewage material observed in the hallway, laundry room, North East bedroom, South East bedroom closet, South and North washrooms.
- e. Areas of the flooring in the hallway are damaged, lifting, or in a state of disrepair. Baseboards are missing in various locations throughout the premises including the North washroom, hallway, living room, and North East bedroom.

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 Private Sewage Disposal System is in disrepair and is not functioning. This condition is in contravention of Section 6(a) of the Minimum Housing and Health Standards, which states: "Every housing premises shall be connected to the public sewage system, or to an approved private sewage disposal system. 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 Section 3(2) of the Housing Regulation, which states:

“an owner shall ensure that the housing premises’ plumbing system and facilities provided under subsection (1)(b) are free from defects and maintained in proper operating condition.”

- b. The lid to the septic tank is open with a black hose extending out of the opening with a large amount of sewage effluent ice build-up observed on the ground surface surrounding the septic tank. This condition is in contravention of Section 2 (1)(b) of the Nuisance and General Sanitation Regulation, which states “No person shall create, commit or maintain a nuisance. (2) Without limiting the generality of subsection (1), a person who creates, commits or maintains (a) any premises in a condition that (b) any source of a discharge of water or waste, including a street, pool, ditch, gutter, watercourse, sink, cistern, water closet, portable toilet, privy, urinal, cesspool or drain 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.”
- c. The toilet in the South washroom is in disrepair and is not able to dispose of waste products. This condition is in contravention of Section 6(a) of the Minimum Housing and Health Standards, which states: “Every housing premises shall be connected to the public sewage system, or to an approved private sewage disposal system. 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 Section 3(2) of the Housing Regulation, which states: “an owner shall ensure that the housing premises’ plumbing system and facilities provided under subsection (1)(b) are free from defects and maintained in proper operating condition.”
- d. There is brown staining, water marks, and debris consistent with contamination of sewage material observed in the hallway, laundry room, North East bedroom, South East bedroom closet, South and North washrooms. This condition is in contravention of Section 2(2)(h)(i) of the Nuisance and General Sanitation Regulation, which states: “No person shall create, commit or maintain a nuisance; Without limiting the generality of subsection (1), a person who creates, commits or maintains any building that, due to it’s not being in a clean state 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.”
- e. Areas of the flooring in the hallway are damaged, lifting, or in a state of disrepair. Baseboards are missing in various locations throughout the premises including the North washroom, hallway, living room, and North East bedroom. These conditions are in contravention of Section 5 of the Minimum Housing and Health Standards, which states: “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 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 3, 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. The Private Sewage Disposal System must be assessed and repaired or replaced as determined by a Certified Private Sewage Disposal System contractor. Ensure the system meets all requirements of the Alberta Private Sewage Systems Standards of Practice. Obtain any permits required by Leduc County and provide a report from an Alberta Safety Codes Officer after installation or repair of the septic system. Ensure that the private sewage disposal system is maintained in good repair and working condition at all times.
 - b. Remove and remediate the ground area where the sewage effluent has been pooling/freezing around the septic tank.
 - c. Repair or replace plumbing fixtures so that they are in good working condition, free of leaks and are able to properly drain.
 - d. Clean and disinfect flooded areas of the housing premises in accordance with the public document General Cleaning and Disinfection of a Public Facility after a Flood.
 - e. Remove and replace all water damaged building material or building material that shows evidence of rot or mold.
 - f. Repair or replace all damaged areas of walls, ceilings, floors and floor coverings to ensure that they are in good repair, free of cracks, holes, loose or lifting coverings and in a condition that renders them easy to clean.
 - g. Replace or repair missing or damaged baseboards throughout the premises.
 - h. Ensure the washrooms are provided with walls and floors that are smooth, non-absorbent to moisture, easy to clean, and forms watertight joints with each other at the floor and ceiling. Ensure sealant is maintained in good repair.

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 Leduc, Alberta, February 1, 2018
Confirmation of a verbal order issued to Richard Cote on February 1, 2018.

_____ (Original Signed) _____

Kate Alexander, 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: 780-222-5186
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

Copy: Leduc County