

## ORDER OF AN EXECUTIVE OFFICER UNFIT FOR HUMAN HABITATION

**To:** Lloyd Golden

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

**RE:** Old Farm House located on NE 35 – 55 – 26 W4M,  
Municipally known as 55520B Range Road 261, Sturgeon County

**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:

Nuisance and General Sanitation Regulation 243/2003

- a. The isolation distance for disposal of effluent from the private sewage disposal systems serving both residences is within the minimum required distance 45 meters from the dwelling and within 90 meters from the property line / municipal ditch. *Sec 2(2)(e) – any person who creates, commits or maintains any accumulation or deposit of offensive matter, waste or manure wherever situated, 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.*
- b. The house is not structurally sound due to the crumbling, cracking and rotting foundation. *Sec 2(2)(a) - any 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.*
- c. The east bedroom door has a locking clasp mounted on the outside of the room capable of entrapping occupants. *Sec 2(2)(a)*

**AND WHEREAS** such inspection disclosed that the following breaches of the Public Health Act and the Regulations there under exist in and about the above noted premises, namely:

Housing Regulation 173/1999

- a. The house is not being maintained structurally sound, in a safe condition, in good repair or in a waterproof and weather proof condition. *Sec 3(1)(a)(i)(ii)(iii)(iv) – an owner shall ensure that the housing premises are structurally sound, in a safe condition, in good repair and maintained in a waterproof, windproof and weather proof condition.*
- b. The private sewage disposal system is not adequate as it discharges onto the ground surface in close proximity to the house and municipal ditch which is readily

accessible by the children currently residing in the house. *Sec 3(1)(b)(i) – an owner shall ensure that the occupants of the housing premises are supplied with adequate sanitary facilities including a sanitary drainage system or private sewage disposal system.*

- c. The plumbing system and facilities are not free from defects and maintained in proper condition as it appears that the bath tub drains directly into a hole located in the basement. *Sec 3(2) – 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. The house is not being maintained in compliance with the Minimum Housing and Health Standards. *Sec 4 – An owner shall maintain the housing premises in compliance with the Minimum Housing and Health Standards.*

#### Minimum Housing and Health Standards

- a. The house is being maintained in an unsafe and in a structurally unsound condition due to the crumbling, cracking and rotting foundation. *Sec 1(a) – The housing premises shall be structurally sound.*
- b. The basement is not free from water infiltration as the cement flooring was wet in several areas. *Sec 1(b) – Basements, cellars or crawl spaces shall be structurally sound, maintained in good repair and free from water infiltration and accumulation.*
- c. Building materials (cement foundation, wood support beams) are damaged and show evidence of rot or other deterioration. *Sec 1(c) - Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.*
- d. Several of the windows are being maintained in disrepair and/or in poor repair as the frames demonstrate rot. *Sec 2(b)(i) - All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof.*
- e. Inadequate emergency egress is compromised as the bedrooms do not have windows that are capable of being opened due to the storm windows being secured in place from the outside. *Sec 3(b) - For buildings of 3 storeys or less and except where a bedroom door provides access directly to the exterior or the suite is sprinklered, 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 m<sup>2</sup> (3.8ft<sup>2</sup>), with no dimension less than 380 mm (15”).*
- f. The height (upstairs) and width (basement) of the handrails do not comply with the minimum height/width requirements of the Alberta Building Code. *Sec 3(c) - 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.*
- g. Several of the bedroom windows do not provide a minimum openable window area of 0.28m<sup>2</sup> for ventilation. *Sec 4(a) - All rooms used for sleeping shall be provided with: (a) openable window area of 0.28m<sup>2</sup> (3.0ft<sup>2</sup>); or (b) mechanical ventilation in conformance with the requirements of the Alberta Building Code.*
- h. Several of the walls, windows, ceilings, floors and floor coverings are being maintained in poor repair and/or in damaged condition. *Sec 5 - 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.*
- i. The walls and floors in the bathroom are damaged and/or are not maintained in a smooth, non absorbent and easy to clean condition. The walls do not form a water tight joint with each other or the floor. *Sec 5(a) - (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.*

- j. The housing premise is not connected to an approved private sewage disposal system. *Sec 6(a) - Every housing premises shall be connected to the public sewage system, or to an approved private sewage disposal system. (a) 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.*
- k. An electrical light fixture located on the upper floor hall has a damaged base and is not secured to the ceiling. *Sec 11 - 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.*
- l. The smoke alarms within the dwelling are not functional. The batteries require replacement. *Sec 12 - 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. (a) Smoke alarms shall be operational and in good repair at all times.*

**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**:

- a. That the occupants vacate the above noted premises on or before February 29, 2012.
- b. That the owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
  - Repair and maintain the housing premises such that it is structurally sound, in a safe condition, in good repair and in a waterproof and weather proof condition.
  - Ensure that the minimum isolation distance requirement for the open discharge private sewage disposal system (PSDS) complies with of the Alberta Sewage Systems Standard of Practice. Provide this office with written verification from a Safety Codes Officer (Plumbing Discipline) indicating that the PSDS is in compliance.
  - Repair the plumbing system and facilities such that they are free from defects and maintained in proper condition.
  - Repair or replace the basement foundation as well as remove and replace the rotting wood support beams. Repairs or a modification of any structural element of the housing premises requires the design and/or supervision of a professional structural engineer or a Safety Codes Officer (Building Discipline). Provide this office with a copy of written verification from a Safety Codes Officer or engineer indicating that the structure is safe and sound.
  - Correct the cause of water infiltration into the basement and ensure that it remains free from water infiltration.
  - Remove all building materials that are damaged and/or show evidence of rot or other deterioration.
  - Repair or replace all windows such that they are free of rot and function so that the bedroom windows meet the requirement for unobstructed emergency egress.
  - Adjust the height of handrails for the interior stairs so that it meets the intent of the building code.
  - Repair and/or replace damaged walls, windows, ceilings, floors and floor coverings.

- Repair and/or replace the walls and floors in the bathroom such that they are smooth, non absorbent and easy to clean condition. Ensure that the walls form a water tight joint with each other or the floor.
  - Repair and secure all electrical light fixtures.
  - Replace or repair the smoke alarms within the dwelling.
- c. 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, February 9, 2012.

\_\_\_\_\_(Original Signed)\_\_\_\_\_  
Colin Charest, 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 24<sup>th</sup> Floor, Telus Plaza, 10025 - Jasper Avenue, Edmonton, Alberta, T5J 1S6. Telephone (780) 427-2813.

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](http://www.qp.gov.ab.ca).*

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*Copies of standards are available by contacting the Health Protection Branch of Alberta Health & Wellness at (780) 427-4518, or by visiting: [www.health.alberta.ca/about/health-legislation.html](http://www.health.alberta.ca/about/health-legislation.html)*