

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

To: **Beng Choo Neilsen**
"the owner"

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

RE: Those housing premises located in Sturgeon County, Alberta and municipally described as: 56522 Range Road 231, NE 35-56-23 W4M

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 septic tank does not have a proper cover in place such as to deter unauthorized access by children or adults as it was covered with a sheet of plywood.
- b. The effluent from the basement sump pump, (which may contain sewage), and the grey water from the main floor washing machine were being disposed onto the ground surface directly behind the house.
- c. Water appeared to be infiltrating into the basement which may be contributed to the house roof missing eaves troughs required for capturing and diverting water away from the house foundation.
- d. The window glass was broken and/or cracked in both of the main floor bedrooms as well in the upstairs east bedroom.
- e. The main floor bedroom that is accessed through the washroom was not being serviced with a smoke alarm.
- f. The window located at the base of the main floor stair case was missing a second pane of glass.
- g. The height of the guard rail located immediately outside the upper floor east bedroom measured to be 34 inches when it should be at least 42 inches as per the Alberta Building Code.
- h. The window screens for the upstairs bedrooms were missing.
- i. The upstairs east bedroom window could not be opened for ventilation or emergency egress.
- j. The hand rail for the stair case leading into the basement was missing.
- k. Surface water and sewage effluent appeared to be infiltrating into the basement possibly from the exterior septic tank that is located on the other side of the basement wall. The basement floor was partially flooded and there was a very strong sewage odour noted within the basement.
- l. The air quality within the house hold is questionable due to the house furnace and furnace air intake being located in the basement in the presence of sewer gas, visible wood rot and

mould. The tenant indicated illness amongst the residents (persistent cough and/or sore throat) since moving in.

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. The septic tank does not have a proper cement covers in place such as to deter unauthorized access by children or adults as it was covered with a sheet of plywood which is in violation of section IV 6(a) of the Minimum Housing and Health Standards which states that; *Every housing premises shall be connected to the public sewage system, or to an approved 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.*
- b. The effluent from the basement sump pump, which may contain sewage, and the grey water from the main floor washing machine were being disposed onto the ground surface in the rear yard which is in violation of section 2(2)(b) of the Nuisance and General Sanitation Regulation which states that; *A person who creates, commits or maintains any source of discharge of water or waste, including a street, pool, ditch, gutter, water course, 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* AND section 5(2) of the Housing Regulation which states that; *No person shall cause or permit any condition in housing premises that is or may become injurious or dangerous to the public health, including any condition that may hinder in any way the prevention or suppression of disease.*
- c. Water appeared to be infiltrating into the basement which may be contributed to the house roof missing eaves troughs required for capturing and diverting water away from the house foundation which is in violation of section III 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.*
- d. The window glass was broken and/or cracked in both of the main floor bedrooms as well as in the upstairs east bedroom which is in violation 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.*
- e. The main floor bedroom that is accessed through the washroom was not being serviced with a smoke alarm which is in violation 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.*
- f. The window located at the base of the main floor stair case was missing a second pane of glass which is in violation of section III 2(b)(ii) of the Minimum Housing and Health Standards which states that; *In housing premises intended for use during winter months, windows in habitable rooms shall protect against cold weather through the provision of a storm sash, double glazing, or other durable thermal/air resistant barrier as may be approved by the Executive Officer.*
- g. The height of the guard rail located immediately outside the upper floor east bedroom measured to be 34 inches when it should be at least 42 inches which is in violation 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,*

- handrails, 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.*
- h. The window screens for the upstairs bedrooms were missing which is in violation of section III 2(b)(iii) of the Minimum Housing and Health Standards which states 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.*
 - i. The upstairs window for the east bedroom could not be opened for ventilation or for emergency egress which is in violation of section III 4(i) of the Minimum Housing and Health Standards which states that; *All rooms used for sleeping shall be provided with an openable window area of 0.28m² (3ft²); or mechanical ventilation in conformance with the requirements of the Alberta Building Code, AND section 3(b)(i) which states that; For buildings of three 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.*
 - j. The hand rail for the stair case leading into the basement was missing which is in violation 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, handrails, 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.*
 - k. Surface water and sewage effluent appeared to be infiltrating into the basement which is in violation of section III 1(b) 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 AND section III1(d) which states that; Repairs or modifications 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).*
 - l. The air quality within the house hold is questionable due to the house furnace and furnace air intake being located in the basement in the presence of sewer gas, visible wood rot and mould which is in violation of section 2(1) of the Nuisance and General Sanitation Regulation which states that: *No person shall create, commit or maintain a nuisance, AND section 5(2) of the Housing Regulation which states that; No person shall cause or permit any condition in housing premises that is or may become injurious or dangerous to the public health, including any condition that may hinder in any way the prevention or suppression of disease, AND section 1(c) of the Minimum Housing and Health Standards which states that; Building material that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.*

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 June 1, 2015**.
2. That the owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:

- a. Obtain the services of a Safety Codes Officer (plumbing discipline) to inspect the plumbing including the private sewage disposal system and provide this office with a copy of a written report. The report shall: (1) Provide the Safety Codes Officer's professional opinion on the type and structural integrity of the plumbing system including the private sewage disposal system, (2) Be accompanied by a detailed design repair method, complete with drawings or plans.
 - b. Ensure that the effluent from the basement sump pump and the washing machine are disposed in an approved manner such as not to create or maintain a nuisance.
 - c. The cause of leaks into the basement shall be repaired promptly to prevent further water damage, possible mould growth and rot to the structure. Repairs are to include but are not limited to; i) install roof eaves troughs and diversion pipes for capturing and diverting roof water away from the foundation of the house, ii) ensure that the ground along the house is designed such as to divert surface water away from the foundation.
 - d. Repair or replace all broken and/or cracked windows in the house.
 - e. Install smoke alarms are installed in appropriate areas including outside of the mainfloor bedrooms.
 - f. Ensure that all windows in habitable rooms are protected against cold weather through the provision of a storm sash, double glazing, etc, including the window located at the base of the mainfloor stair case.
 - g. Increase the height of guard rail located outside of the upstairs east bedroom by modifying or replacing the existing guards to 42 inches.
 - h. Ensure that all windows have effective window screens in place.
 - i. Ensure that all bedroom windows are capable of being opened for ventilation and that they meet emergency egress requirements.
 - j. Install a handrail 32 to 36 inches above the tread nosing (the front or leading edge of the stair tread) for the staircase that leads into the basement.
 - k. Determine the source or cause of water and sewer infiltration into the basement and implement corrective actions. Remove all standing liquid and all water damaged building materials, sanitize walls/floor.
 - l. 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.
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, May 12, 2015

Confirmation of a verbal order issued to the property owner Beng Choo Neilsen and to the tenant Peter Sommers on May 7, 2015.

_____(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 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.

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