

ORDER OF AN EXECUTIVE OFFICER

To: Maria Machniak Stanley Machniak Richard Machniak
"the Owner" "the Owner" "the Owner"

RE: Those housing premises located in Edmonton, Alberta and municipally described as:
8408 – 105 Street NW

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:

Common Area

- a. The guard rail on the third floor was measured to be 31 inches. This was too low.
- b. The spaces between the spindles on the third floor guard rail and staircase handrail were measured to be 4.5 inches which were too wide.
- c. The window above the front entrance overhang was broken. There was broken glass on the overhang.

Suite 4

- d. The smoke alarm did not work and appeared to be greater than 10 years old.
- e. The guard rails on the balcony were measured to be 36 inches which were too low.
- f. The spaces between the guard rail spindles on the balcony were measured to be 5 inches which were too wide.

Suite 6

- g. Major water damage and staining were observed in the hallway and in the living room. High moisture readings were measured with a moisture meter on the ceiling.
- h. The silicone around the bath tub and the bathroom hand sink were covered in mould.
- i. The walls and ceiling finishes in the bathroom were peeling.
- j. The door frame/trim was missing around the front door in the interior of the suite.
- k. The guard rails on the balcony were measured to be 36 inches which were too low.
- l. The spaces between the guard rail spindles on the balcony were measured to be 5 inches wide which were too wide.

Suite 7

- m. The smoke alarm did not work and appeared to be greater than 10 years old.
- n. Water damage was observed on the living room ceiling and there was a section of exposed wood.
- o. The kitchen sink was not draining properly.
- p. The bathroom ceiling was peeling and mouldy.
- q. The paint was peeling off the wall above the baseboard in the bathroom.
- r. The guard rails on the balcony were measured to be 36 inches high which were too low.

- s. The spaces between the guard rail spindles on the balcony were measured to be 5 inches which were too wide.

Suite 9

- t. The ceiling was water damaged in the kitchen.
- u. The ceiling and wall in the living room were water damaged.
- v. The light in the kitchen was water damaged.
- w. There was a hole in the ceiling in the hallway that was filled with two sponges.
- x. The guard rails on the balcony were measured to be 36 inches high which were too low.
- y. The spaces between the guard rail spindles on the balcony were measured to be 5 inches which were too wide.

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. Violations [a], [b], [e], [f], [k], [l], [r], [s], [x] and [y] were in contravention of section 3 (c) of the Minimum Housing and Health Standards which states: "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".
- b. Violation [c] was in contravention of section 2(b)(i) of the Minimum Housing and Health Standards that states: "All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof".
- c. Violations [d] and [m] were in contravention of section 12 of the Minimum Housing and Health Standards that states: "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".
- d. Violations [g], [h], [n], [t], [u], and [w] were in contravention of section 1(c) of the Minimum Housing and Health Standards that states: "Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced".
- e. Violations [i], [p], and [q] were in contravention of section 5(a) of the Minimum Housing and Health Standards that 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. (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".
- f. Violations [j] was in contravention of section 5 of the Minimum Housing and Health Standards that 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".
- g. Violation [o] was in contravention of section 6(a) of the Minimum Housing and Health Standards that that states: "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".
- h. Violation [v] was in contravention of section 11 of the Minimum Housing and Health Standards that states: "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”.

NOW THEREFORE, I hereby **ORDER** and **DIRECT**:

1. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Modify or replace the Common Area guard rail on the 3rd floor so that it meets the minimum height and maximum spindle width requirements of the Alberta Building Code or a Professional Engineer design.
 - b. Modify or replace the Common Area staircase handrail so that it meets the minimum height and maximum spindle width requirements of the Alberta Building Code or a Professional Engineer design
 - c. Modify or replace the guard rails on all balconies so that they meet the minimum height and maximum spindle width requirements of the Alberta Building Code or a Professional Engineer design.
 - d. Replace the window above the front entrance overhang so that it is in good repair and weatherproof. Remove all broken glass from the overhang.
 - e. Replace the smoke alarms in Suites 4 and 7 so that they are operational and less than 10 years old. Ensure the smoke alarms in all suites are operational and less than 10 years old.
 - f. Repair or replace all water damaged materials in the floors, walls and ceilings in the premise. All water damaged material must be removed and assessed for potential mould growth. You must retain the services of an **Environmental Consultant or Industrial/Occupational Health Hygienist, that must be approved by Alberta Health Services prior to the commencement of renovation or repairs:**
 - (i) As this home was built prior to 1990, **the presence of asbestos within building materials is likely thus all precautions must be taken. Ensure proper removal/handling of impacted materials following current codes and standards. The consultant *must* assess the conditions within the above noted premises including performing applicable sampling for asbestos containing materials.**
 - (ii) In the event asbestos is present **provide Environmental Public Health with a written asbestos management/abatement plan in accordance with the Alberta Occupational Health and Safety Code for Asbestos abatement**
 - (iii) Then the environmental consultant will assess the conditions within the above noted premises for all water damaged materials and mould. The assessment is to include the entire premises including the attic, wall and floor cavities, and crawlspaces. A full pre-mould remediation inspection report is required. At a minimum the report must describe the building construction, finishes, materials and components and recommendations for restoration. All hazardous building materials are to be properly managed and disposed of in accordance with government standards and guidelines and industry codes of practice. Once the materials have been removed and a post mould remediation report is required. This will include environmental air quality sampling and photographic evidence

that all mouldy material has been removed. **Testing and reporting shall follow the requirements outlined in Alberta Health Services' Fungal Air Testing Protocol.**

- g. Replace the mouldy silicone in the bathroom in Suite 6 so that it is in good repair, cleanable, and forms a watertight joint with the wall and bathtub.
 - h. Repair and refinish all peeling walls and ceilings in the premise so that they are in good repair and cleanable.
 - i. Replace the doorframe on the front door in Suite 6 so that it is in good repair.
 - j. Repair the kitchen sink plumbing in Suite 7 so that properly drains and is in a proper operating condition.
 - k. Repair or replace the water damaged light in the kitchen in Suite 9 so that it is in a good and safe working condition.
 - l. All vacant suites and/or those that become vacant must not be rented until the above work is completed and an inspection has be conducted by Environmental Public Health.
2. The work referred to in paragraph 1 with the exception of violations [a], [b], [e], [f], [k], [l], [r], [s], [x] and [y], shall be completed by November 26, 2018.
3. The work referred to in paragraph 1, violations [a], [b], [e], [f], [k], [l], [r], [s], [x] and [y], shall be completed by January 1, 2019.

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 Edmonton, Alberta, October 18, 2018

_____(Original Signed)_____

Leah Danyluk, 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