

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

**To:** Ben Cstonyi and Carol Cstonyi  
“the owners”

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

**RE:** Those housing premises located at Plan 5641KS; Block 3, Lot 4  
Municipally known as 9, 53117 Highway 31, Lake Wabamum Phillips,  
Parkland County, Alberta

**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:

**(General Description):**

*Marihuana grow operation in a residential building with unapproved and modified electrical and heating systems and potential chemical and biological contamination resulting in hazardous conditions. See Appendix 1 for select photographs.*

1. **Nuisance conditions:** indoor air quality deterioration created by the marijuana cultivation areas, increased levels of temperature and humidity, resulting mould growth and residuals from chemical and/or pesticide solutions found throughout the premises.
2. **Heating and ventilation deficiencies:** contamination to heating air filtration and/or air handling systems (furnace and ventilation system) due to entrainment of chemicals and bioaerosols from the marijuana grow operation into the heating system. Modifications of HVAC system used in venting the grow operation.
3. **Electrical deficiencies:** unsafe electrical system resulting from unapproved modification of building fixtures, missing outlet covers, components and installation of unapproved electrical connections within premises to electrify and or vent the marihuana grow operation.
4. **Structural, finishes, and/or materials deficiencies;** building materials including but not limited to walls, ceiling tiles, and insulation have been damaged and show evidence of rot and other deterioration. Several growing and/or processing rooms that were constructed throughout the basement do not appear to meet building code requirements.
5. **Smoke alarm deficiencies:** the smoke alarm located in the hallway on the upper floor was not operational.

6. **Hand railing and guard deficiencies:** the hand railing, guards and supports for the exterior deck was in disrepair, inadequately designed and/or unstable.

**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:

1. Nuisance conditions: indoor air quality deterioration created by the marijuana cultivation areas, increased levels of temperature and humidity, resulting mould growth and residuals from chemical and/or pesticide solutions found throughout the premises which is in contravention of Nuisance and General Sanitation Regulation 243/2003 Part 1, section 2(1) which states that no person shall create, commit or maintain a nuisance, and 2(2)(a) which states that without limiting the generality of subsection (1), a person who creates, commits or maintains (a) 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;  
*and/or* is in contravention of the Alberta Housing Regulation 173/99 section 5(2) 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.
2. Heating and ventilation deficiencies: resulting from modifications and/or contamination to heating, air filtration and/or air handling systems (furnace and ventilation system) within residence including duct work, which is in contravention of the Minimum Housing and Health Standards section IV(8)(a)(i) which states that: All heating facilities within a housing premises are to be properly installed and maintained in good working condition, and be *capable* of safely and adequately heating all habitable rooms;  
*and/or* is in contravention of Nuisance and General Sanitation Regulation 243/2003 Part 1, section 2(1) which states that: No person shall create, commit or maintain a nuisance.
3. Electrical deficiencies: including unsafe electrical system resulting from unapproved modification of building fixtures, components and installation of unapproved electrical connections within residence to electrify equipment used in the marihuana grow operation, which is in contravention of the Minimum Housing and Health Standards section IV(11) which states that: Every housing premise 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;  
*and/or* is in contravention of Nuisance and General Sanitation Regulation 243/2003 Part 1, section 2(1) which states that: No person shall create, commit or maintain a nuisance.
4. Structural, finishes, and/or materials deficiencies; building materials including but not limited to walls, ceiling tiles, and insulation have been damaged and show evidence of rot and other deterioration, as well as, several growing and/or processing rooms that were constructed throughout the basement do not appear to meet building code requirements which are in contravention of the Minimum Housing and Health Standards section III(1)(a)(c)(d) which states that: (a) the housing premises shall be structurally sound, (c) building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced, (d) repairs or modifications required by the Executive Officer 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);

*and/or* is in contravention of the Alberta Housing Regulation 173/99 sections 3(1)(a) which states that; An owner shall ensure that the housing premises are structurally sound, in a safe condition, in good repair, and maintained in a waterproof, windproof condition, and section 4 which states that; An owner shall maintain the housing premises in compliance with the Minimum Housing and Health Standards, as approved and published by the minister and as amended by the Minister from time to time; and section 5(2) 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/or* is in contravention of Nuisance and General Sanitation Regulation 243/2003 Part 1, section 2(1) which states that: No person shall create, commit or maintain a nuisance.

5. Smoke alarm deficiencies: the smoke alarm located in the hallway on the upper floor was not operational which is in contravention of section IV(12)(a) of the Minimum Housing and Health Standards which states that: smoke alarms shall be operational and in good repair at all times.

*and/or* is in contravention of Nuisance and General Sanitation Regulation 243/2003 Part 1, section 2(1) which states that: No person shall create, commit or maintain a nuisance.

6. Hand railing and guard deficiencies: the hand railing, guards and supports for the exterior deck are in disrepair, inadequately designed and/or unstable which is in contravention of the Minimum Housing and Health Standards section III (3)(c)(i) 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;

*and/or* is in contravention of the Alberta Housing Regulation 173/99 section 5(2) 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/or* is in contravention of Nuisance and General Sanitation Regulation 243/2003 Part 1, section 2(1) which states that: No person shall create, commit or maintain a nuisance.

**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 14, 2016.
2. That the above noted premises be **secured from any and all unauthorized entry**.
3. 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 an **Environmental Health or Indoor Air Quality Consultant** to:
    - (i) assess the conditions within the above noted premises including the carrying out of environmental air quality analyses of the interior spaces (including the attic, wall and floor cavities, and crawlspaces) for water and mould damage; and
    - (ii) prepare for review by Alberta Health Services a detailed assessment report and scope of work plan, including a hazardous materials audit and management plan.

Testing and reporting shall follow the requirements outlined in Alberta Health Services' Fungal Air Testing Protocol and must include extensive intrusive and destructive testing and shall and must include inspection and assessment of hidden cavities and surfaces such as, but not limited to, cutting access holes (or using boroscopes) into walls and ceilings, lifting carpets or vinyl sheet flooring, removing wallpaper for investigation purposes. The consultant's report shall describe, amongst other things, the building construction, finishes, materials and components and the results of their investigations along with recommendations for restoration, repair, and the remediation as required for reoccupation of the building.

• **Due to the potential for moisture issues, extensive intrusive testing must be performed throughout all levels to ensure no hidden moisture concerns or moulds exist between internal and external walls. The insulation, vapor barrier and external wall sheathing shall be thoroughly examined for damages, moisture, and suspect mould growth. Testing locations must include upper edges of walls and areas below windows. All baseboards and all window trim throughout the premises must be removed to allow observation of the area behind.**

**b. Prior to performing any work inside the above noted premises** apply for and obtain all permits and approvals required by law, including, but not limited to, Environmental Restoration, Electrical, Plumbing, Gas and/or Mechanical permits. (The Building Permit for Restoration may require that you obtain the services of a **Professional Engineer (Alberta)** to provide an intended Scope of Work report which shall describe the building construction, finishes, materials and components and the results of their investigations along with recommendations for restoration, repair, and remediation as required for reoccupation of the building. Any such Report shall be forwarded to Alberta Health Services.) *It is important that services (electricity and natural gas) be reinstated to allow the provision of light, heat and hot water to facilitate proper cleaning.*

**c.** Retain the services of contractors to make all structural, electrical, and mechanical repairs necessary, all in compliance with applicable codes and regulations, and thereafter provide Alberta Health Services with a report or reports from such contractor or contractors confirming the work performed.

• **All damages shall be properly repaired, inspected and reported on as to the suitability of the repairs prior to replacement of new materials.**

• **NOTE THAT INSPECTIONS BY ALL OF THE APPROPRIATE REGULATORY AGENCIES MUST BE PERFORMED PRIOR TO COVERING UP ANY REPAIR OR INVESTIGATION SITES**

**d.** Retain the services of a restoration and mould remediation specialist, approved by Alberta Health Services, to remove and replace or clean, as required, any and all drywall, building materials, and finishing materials, or any other item that is or may be water damaged, infested with or damaged by mould or bacteria or otherwise contaminated with chemicals or other substances of concern, all in accordance with the direction required at item 4.a, above. (Reference should be made to Mould Guidelines for the Canadian Construction Industry located at [www.cca-acc.com/mould/](http://www.cca-acc.com/mould/).) *It is recommended that the cleaning and restoration work be carried out by a member in good standing of the Institute of Inspection, Cleaning and Restoration or an equivalent professional body.*

- **All materials related to the plant growing operation that are remaining behind, including pots, soil, fans, lights, cutting tools, chemicals and general rubbish, shall be removed and disposed of and a manifest attesting to this disposal provided to Alberta Health Services.**
  - **Building products requiring removal shall be tested for hazardous content where deemed necessary by the professional consultant.**
  - **All remaining hard surfaces throughout, including but not limited to walls, floors, doors, cupboards, shall be thoroughly washed with detergent and water.**
- f. Properly dispose of all chemicals and produce a valid manifest attesting to such proper disposal. Chemicals and chemical mixtures are **not to be disposed of in the sanitary nor storm sewers.**
  - g. Retain the services of a licensed furnace company to inspect, clean and disinfect the HVAC supply air ducts, floor vents, return air plenums and the furnace within the premises. This required cleaning shall take place as a final step after the completion of all remediation work but before final air sampling.
  - h. Ensure that the water distribution system is thoroughly flushed to remove all stagnant water, microorganisms, and any leachates/particulates from plumbing materials and that a sample of the cold water is taken and submitted to a laboratory for bacteriological analysis.
  - j. Provide a detailed remediation and repair report which includes copies of all disposal manifests for removed materials, invoices for new, replacement materials, work orders, receipts, results, photos, inspection certificates and any other documentation pertaining to the work required hereby to Alberta Health Services.
  - k. Take any further steps in the interests of preserving and maintaining the health of any person who may, in the future, occupy the above noted premises as may be required by the Executive Officer.
4. Repair or replace the smoke alarm ensuring that it is operational and in good repair at all times.
  5. Replace the outside deck supporting structural members, handrails, and guards ensuring that they comply with the requirements of the Alberta Building Code or a Professional Engineer design. Written verification of compliance is to be provided to Alberta Health Services is required.

That, until such time as the work referred to in paragraph 3 is completed to the satisfaction of the undersigned or by another executive officer of Alberta Health Services, the above noted premises shall remain vacant and shall be secured from unauthorized entry. Entry may be authorized only for the purposes of complying with this Order.

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 Public Health Act and Regulations or to prevent a Public Health Nuisance.

This order remains in effect until the nuisance has been corrected to the satisfaction of an Executive Officer of Alberta Health Services. Failure to comply with this order will result in further action.

**No person shall conceal, deface, destroy, or remove a notice posted pursuant to the Public Health Act.**

**DATED at St. Albert, Alberta, June 14, 2016.**

\_\_\_\_\_(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, Telus Plaza North Tower  
10025 Jasper Avenue NW  
Edmonton, Alberta, T5J 1S6  
Phone: 780-427-2813  
Fax: 780-422-0914  
Email: [HealthAppealBoard@gov.ab.ca](mailto: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](http://www.qp.gov.ab.ca).

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**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](http://www.health.alberta.ca/about/health-legislation.html)**

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**[23 Sir Winston Churchill Avenue, St. Albert, Alberta, Canada T8N 2S7](#)**

**[www.albertahealthservices.ca/eph.asp](http://www.albertahealthservices.ca/eph.asp)**