

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

To: Melissa E Potestio
"the Owner"

And.

Enrico Potestio
"the Owner"

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

RE: Those housing premises located in Edmonton, Alberta and municipally described as:
**9124 119 Avenue NW: Basement Suite
(Lot1/2, Block 3, Plan 2307R)**

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 premises was infested with cockroaches.
- b. The premises was infested with mice.
- c. The headroom clearance height along the stairs leading to the basement suite was measured and ranged between 66 to 67 inches.
- d. The window by the suite entrance was broken.
- e. The stairs floor covering had lifted and detached. The surface of the stairs was constructed of an unfinished material.
- f. The handrail on the stairs leading to the basement suite was missing.
- g. The suite entrance door casing had lifted and detached. The entrance requires weatherproofing.
- h. The drywall surfaces throughout the suite was in disrepair. There were numerous holes and cracks.
- i. The electrical plate covers were missing throughout the suite.
- j. There were multiple window screens missing throughout the suite.
- k. The smoke alarm was missing.
- l. The southwest bedroom door casing had lifted and detached.
- m. The southwest bedroom door had separated and was in disrepair.
- n. The headroom clearance height at the entrance to the southwest bedroom was measured to be 68 inches.

- o. The southwest bedroom window panes were broken.
- p. There was evidence of water damage and mould on the southwest bedroom drywall and baseboards.
- q. The headroom clearance height at the entrance to the northwest bedroom was measured to be 70 ½ inches.
- r. The northwest bedroom window casing had lifted and detached.
- s. The northwest bedroom window was not able to remain open without assistance.
- t. The northwest bedroom window lock was not operational.
- u. There was no mechanical or natural ventilation installed in the bathroom.
- v. The bathroom tub shower fixtures were not secured to the wall surround. The caulking had lifted and detached.
- w. The bathroom door was in disrepair (holes).
- x. The bathroom hand sink cabinet door had lifted and detached.
- y. The base of the kitchen cabinet was constructed of an unfinished material.
- z. The kitchen sink was leaking.
- aa. There was no fridge installed.
- bb. There was evidence of water damage on the kitchen ceiling.
- cc. There was wires protruding of the kitchen backsplash.
- dd. The oven and the right burner was not operational.

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. Items (p and bb) are in contravention of section III(1)(c) of the Minimum Housing and Health Standards which states that: Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- b. Item (g) is in contravention 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.
- c. Items (d and o) are in contravention 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.
- d. Item (j) is in contravention 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.
- e. Item (t) is in contravention of section III(3)(a) of the Minimum Housing and Health Standards which states that: Exterior windows and doors shall be capable of being secured.
- f. Item (g) is in contravention of section III(3)(b)(ii) of the Minimum Housing and Health Standards which states that: Windows referred to in section 3(b)(i) shall provide unobstructed openings with areas not less than 0.35 m² (3.8ft²), with no dimension less than 380 mm (15”).

- g. Items (e, l, m, and r) are in contravention of section III(5) of the Minimum Housing and Health Standards which states that: 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.
- h. Items (x and w) are in contravention of section III(5)(a) of the Minimum Housing and Health Standards which states that: 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.
- i. Item (y) is in contravention of section III(5)(b) of the Minimum Housing and Health Standards which states that: Rooms and sections of rooms that are used for food preparation and cooking shall have walls and floors constructed of materials which do not provide harborage to dirt, grease, vermin and bacteria and that are easily kept clean.
- j. Items (v and z) are in contravention of section IV(6)(c) of the Minimum Housing and Health Standards which states that: All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.
- k. Item (u) is in contravention of section IV(7)(c) of the Minimum Housing and Health Standards which states that: All rooms containing a flush toilet and/or bathtub or shower shall be provided with natural or mechanical ventilation.
- l. Items (i and cc) are in contravention of section IV(11) of the Minimum Housing and Health Standards which states that: 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.
- m. Item (k) 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.
- n. Items (aa and dd) are in contravention of section IV(14)(a)(iv) of the Minimum Housing and Health Standards which states that: Every housing premises shall be provided with a food preparation area, which includes: a stove and a refrigerator that are maintained in a safe and proper operating condition. The refrigerator shall be capable of maintaining a temperature of 4 degrees C.(40°F).
- o. Item (f) is in contravention 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.
- p. Items (a and b) are in contravention of section V(16)(a) of the Minimum Housing and Health Standards which states that: The owner shall ensure that the housing premises are free of insect and rodent infestations.
- q. Items (c, n and q) are in contravention of 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 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 **September 24, 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. **You must retain the services of an Environmental Consultant or Industrial/Occupational Health Hygienist, that must be approved by Alberta Health Services and prior to the commencement of renovation or repairs:** As this building 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.
 - (i) 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.
 - (ii) Then the environmental consultant will assess the conditions within the above noted premises for all water damaged materials and mould in the bathroom and any other affected areas. 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. **Testing and reporting shall follow the requirements outlined in Alberta Health Services' Fungal Air Testing Protocol.**
 - b. After completing all asbestos requirements as indicated in section (a). Remove and replace all water damaged building material, as listed below:
 - i. The water damaged drywall and baseboards in the southwest bedroom.
 - ii. The water damaged ceiling in the kitchen.
 - c. Install a handrail on the stairs leading to the basement suite. Ensure the interior stairs or porches including all treads, risers, supporting structural members, rails,

guards and balconies, are maintained in good repair and are in compliance with the requirements of the Alberta Building Code or a Professional Engineer design.

- d. Ensure that a licensed Pest Control Operator is employed to rigorously treat for cockroaches in the premises. **Provide copies of pest control reports to this office.** Disinfest the premises. The owner shall ensure that the housing premises are free of insect and rodent infestations; and (i) all situations requiring the application of pesticides shall be conducted in accordance with the Environmental Protection and Enhancement Act and regulation; and (ii) whenever a pesticide is applied in a dwelling, the occupant shall be notified in accordance with the latest edition of the Environmental Code of Practice for Pesticides published by Alberta Environmental Protection. (iii) it is the occupants responsibility to allow access in accordance to the Residential Tenancy Act to do whatever is necessary to ensure the dwelling unit is ready for pesticide application.
- e. Increase the ceiling head clearance height to a minimum 72 inches (6 feet) for the following areas within the suite:
 - i. Entrance into the southwest bedroom.
 - ii. Entrance into the northwest bedroom.
 - iii. Along the stairs leading to the basement suite.
- f. Install a smoke alarm by the suite bedrooms and ensure the smoke alarm is operational and in good repair at all times.
- g. Install weatherproofing on the basement suite entrance. Ensure all windows and exterior doors are maintained in good repair, free of cracks and weatherproof.
- h. Repair or replace the basement suite entrance door casing. Ensure all windows and exterior doors are maintained in good repair, free of cracks and weatherproof.
- i. Install a window screens on all openable exterior windows. Ensure all windows intended for ventilation are supplied with effective screens.
- j. Install missing protective light and outlet covers throughout the premises. Ensure all outlets and switches are properly installed and are maintained in a good and safe working condition.
- k. Remove or cap off the electrical wires protruding out of the kitchen backsplash. Ensure all outlets and switches are properly installed and are maintained in a good and safe working condition.
- l. Ensure all bedroom windows have an unobstructed openings with areas not less than 0.35 m² (3.8ft²), with no dimension less than 380 mm (15”) and are able to remain open without assistance.
- m. Repair or install the lock on the basement northwest bedroom window. Ensure exterior windows and doors are capable of being secured.
- n. Repair or replace the all walls, ceilings, and floors that are in disrepair. Ensure all walls, windows, ceilings, floors, and floor coverings are maintained in good repair, free of cracks, holes, loose or lifting coverings and in a condition that renders it easy to clean.
- o. Repair or replace the caulking along the joints in the bathroom for the hand sink, bathtub and bathtub surround so that the joints are watertight.

- p. Repair or replace the basement stove or oven. Ensure all stove(s) and refrigerator(s) are maintained in a safe and proper operating condition. The refrigerator shall be capable of maintaining a temperature of 4 degrees C.
 - q. Install a fridge in the kitchen. The refrigerator shall be capable of maintaining a temperature of 4 degrees C.
 - r. Repair or replace the following windows within the suite:
 - i. The southwest bedroom window.
 - ii. The northwest bedroom window.
 - iii. The window by the suite entrance.
 - s. Install a mechanical or natural ventilation in the suite bathroom.
 - t. Repair or replace the bathroom hand sink cabinet door.
 - u. Repair the leak at the kitchen sink. All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.
 - a. Ensure that the conditions within the suite meet the requirements outlined in the Minimum Housing and Health Standards. 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.
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 Edmonton, Alberta, October 2, 2018.
Confirmation of a verbal order issued to Enrico Potestio on September 24, 2018.

(Original Signed)
Alaa (Al) Farhat, 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, 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

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