

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

To: **SHEPHA HOLDINGS LTD.**
 “the owner”

And.

BARBARA FARKAS
“the owner”

And,

ANDREW FEHER
“the owner”

And,

BARBFAR HOLDINGS INC.
“the owner”

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

RE: Those housing premises located in Edmonton, Alberta and municipally described as:
 9132 155 Street NW
 Lot 15, Block 4A, Plan 3959KS

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:

EXTERIOR

- a. The garage at the rear of the premises locks were not operational and could not be secured. Evidence of individuals using the space for sleeping accommodations.

MAIN FLOOR

- b. The southwest door casing had lifted and was damaged.
- c. The main floor baseboards and vent cover had lifted and detached.
- d. The bathroom ventilation cover was missing.

- e. The bathroom ceiling surface paint had lifted and detached.
- f. The kitchen counter edge had lifted and detached.
- g. The kitchen counter caulking had lifted and detached.
- h. There was evidence of water damage on the kitchen ceiling above the cabinets.
- i. The kitchen sink was leaking from the plumbing impacting both basins.
- j. The kitchen faucet left hot handle was broken.
- k. There were multiple window locks that were not operational throughout the premises.
- l. The rear entrance lock was not operational.
- m. The main floor southwest bedroom window had security bars installed, which would be unable to be open during an emergency.
- n. There was no handrail installed on the stairs leading to the basement.
- o. There was no smoke alarm installed in the common hallway leading to the bedrooms on the main floor.
- p. There was missing or damaged window screens throughout the premises.
- q. The front entrance is not weatherproofed.
- r. The rear entrance is not weatherproofed.
- s. The northeast bedroom window was missing a pane.
- t. The kitchen window had two broken panes.

BASEMENT

- u. The bathroom light was not operational.
- v. The tiles on the stairs leading to the basement had lifted and detached.
- w. The baseboards by the rear exit had lifted and detached.
- x. The northwest room showed evidence of water infiltration. Carpet was wet and water damage and mould noted on drywall and baseboard.
- y. The northeast room showed evidence of water infiltration.
- z. There was evidence of water damage and mould on the drywall and baseboards.
- aa. There was evidence of water damage and mould on the bathroom ceiling above the toilet.
- bb. The basement bathroom window could not be opened, no mechanical ventilation installed.
- cc. There were multiple windows in the basement that were single pane.
- dd. The bathroom exterior windowpane was broken.

AND WHEREAS such inspection disclosed that the following breaches of the Public Health Act and the Housing Regulation, Alberta Regulation 173/99, Nuisance and General Sanitation and Regulations, and the Minimum Housing and Health Standards exist in and about the above noted premises, namely:

- a. Item (a) is in contravention of section 2(1) of the Nuisance and General Sanitation and Regulations states that: No person shall create, commit or maintain a nuisance that 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. Items (b, c, v and w) 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.

- c. Items (d and e) 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.
- d. Items (f and g) are 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 harbourage to dirt, grease, vermin and bacteria and that are easily kept clean.
- e. Items (h, x, y, z and aa) 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.
- f. Items (i and j) 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.
- g. Items (k and l) are 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.
- h. Item (m) is in contravention of section III(3)(b)(ii) of the Minimum Housing and Health Standards which states that: If the window referred above is provided with security bars, the security bars shall be installed so they may be opened from the inside without the use of any tools or special knowledge.
- i. Item (n) is in contravention of section III(3)(c) of the Minimum Housing and Health Standards which states that: 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.
- j. Item (o) 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.
- k. Item (p) 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.
- l. Item (q and r) 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.
- m. Items (s, t, cc and dd) are in contravention of section III(2)(b)(ii) of the Minimum Housing and Health Standards which states that: In housing premises intended for use during the 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.
- n. Item (u) 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.

- o. Items (x and y) are in contravention of section III of the Minimum Housing and Health Standards which states that: The owner shall ensure that the housing premises is structurally sound, in a safe condition, in good repair, and maintained in a waterproof, windproof and weatherproof condition.
- p. Item (bb) 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.

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 **October 16, 2023**.
- 2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Prior to the removal of water damaged building materials, ensure the following is tested for asbestos:
 - i. Main floor kitchen ceiling and drywall.
 - ii. Basement northwest bedroom drywall.
 - iii. Basement northeast bedroom drywall.
 - iv. Basement bathroom ceiling have the toilet.

All reports are to be submitted to Alberta Health Services Environmental Public Health for review.

- b. Investigate and provide documentation outlined the source of the water infiltration, and all necessary repairs completed. **All reports are to be submitted to Alberta Health Services Environmental Public Health for review.**
- c. Ensure all surfaces throughout the premises are smooth, durable, impervious to moisture and in a condition that renders it easy to clean.
- d. Repair the kitchen basin leak at the plumbing.
- e. Repair or replace the kitchen basin fixture.
- f. Ensure all exterior door and window locks are operational at all times.
- g. Repair or replaces the garage locks to ensure the structure is secured at all times.
- h. Remove and/or replace the main floor southwest bedroom window security bars and ensure they comply with emergency egress requirements.
- i. Install a handrail along the stairs leading to the basement.
- j. Install a smoke alarm in each room or in a common hallway connecting all bedrooms.
- k. Ensure all exterior openable windows are equipped with an effective fitted screen.
- l. Ensure both front and rear entrances are weatherproofed.

- m. Repair and/or replace all of the following missing or broken windowpanes:
 - i. Main floor northeast bedroom.
 - ii. Kitchen window broken pane.
 - iii. Multiple basement windows.
 - iv. Basement bathroom broken pane.
 - n. Repair or replace basement bathroom light.
 - o. Repair basement bathroom window to allow adequate ventilation.
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, September 25, 2023.

Confirmation of a verbal order issued to Andy Feher by email on September 15, 2023.

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: <https://www.alberta.ca/public-health-appeal-board.aspx>

A Notice of Appeal form may be obtained by contacting the Public Health Appeal Board or visiting their website.

Health Legislation, Regulations and Standards

Electronic versions of the Public Health Act and Regulations are available at the Alberta King's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or <https://www.alberta.ca/alberta-kings-printer.aspx>.

Health Legislation and regulations are available for purchase. Please contact Alberta King's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or <https://www.alberta.ca/alberta-kings-printer.aspx>.

Copies of standards are available by visiting: <https://www.alberta.ca/health-standards-and-guidelines.aspx>

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www.albertahealthservices.ca/eph.asp