

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

**To:** Jonathan E Sicoli

**And To:** All Occupants of the following Housing premises:

**RE:** **Lot 3, Block 15, Plan 5112HW**  
**Municipally known as 9426 83 Street, Edmonton, AB**

**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:

- a. Water infiltration noted entering through ceiling of north east bedroom and penetrating into living room below which can cause increased humidity and mould growth.
- b. Water infiltration noted through crack in east wall of basement foundation which can cause increased humidity and mould growth.
- c. Significant mould growth noted in northeast bedroom and bathroom.
- d. The roof was in disrepair, which could allow water infiltration into areas in and around the premise.
- e. A large area of the ceiling of the north east bedroom has been removed, leaving the room open to the outside.
- f. The exterior cladding had a 6 foot bulge away on the west wall, and had loose and missing areas on the north wall which does not provide adequate weatherproofing.
- g. The electrical box outside is in a state of disrepair and cannot be closed which may cause an electrical shock hazard.
- h. Multiple loose wires and exposed conductors were noted in the basement which may cause an electrical shock hazard.
- i. The handrail on basement staircase did not span entire flight of stairs and spindles were not installed on railing, creating a potential fall hazard.
- j. The toilet was leaking and had caused water damage to the baseboards and floor around the toilet.
- k. The dining room window was not weatherproof.
- l. Insect screens were not installed in bedroom or bathroom windows and were in disrepair in storm door which does not provide proper weatherproofing and allows for insects to enter premises.
- m. The dryer was not adequately vented to the outside which can cause increased humidity and mould growth

- n. The garage was in major disrepair. The garage roof was collapsing and is not structurally sound.
- o. The walls in the basement were in disrepair. The walls were open and insulation and wiring could be seen.
- p. The toilet seat was peeling and therefore could not be properly cleaned allowing for the accumulation of dirt and debris.
- q. The washing machine's tap was leaking, which can cause increased humidity and mould growth.
- r. The bathtub's hot water tap was dripping continually, which can cause increased humidity and mould growth.

**AND WHEREAS** such inspection disclosed that the following breaches of the Public Health Act and the Regulations there under exist in and about the above noted premises, namely:

- A. Housing Regulation 173/99 s.4  
Water infiltration was noted entering through ceiling of north east bedroom and penetrating into living room below, which is a contravention of section 1(b, d) of the Minimum Housing and Health Standards which states that (b) maintain premises in good repair and free from water infiltration and accumulation. (d) 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).
- B. Housing Regulation 173/99 s.4  
Water infiltration was noted through crack in east wall of basement foundation, which is a contravention of section 1(b, d) of the Minimum Housing and Health Standards which states that (b) maintain premises in good repair and free from water infiltration and accumulation. (d) 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).
- C. Nuisance and General Sanitation Regulation 243/2003 s.2  
There was a significant amount of visible mould growth noted in drywall and ceiling of the northeast bedroom and the bathroom, which is a contravention of 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.
- D. Housing Regulation 173/99 s.4  
A large area of the ceiling of the north east bedroom has been removed, leaving the room open to the outside, which is a contravention of section 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.

- E. Housing Regulation 173/99 s.4  
The roof was in disrepair which could allow water infiltration into areas in and around the premise, which is a contravention of section 1(c) of the Minimum Housing and Health Standards which states that (c) Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- F. Housing Regulation 173/99 s.4  
The exterior cladding had a 6 foot bulge away on the west wall, and had loose and missing areas on the north wall, which is a contravention of section 2(a) of the Minimum Housing and Health Standards which states that (a) The roof and exterior cladding of walls shall be maintained in a waterproof, windproof and weatherproof condition.
- G. Housing Regulation 173/99 s.4  
Electrical box outside is in a state of disrepair and cannot be closed, which is a contravention of section 11 of the Minimum Housing and Health Standards which states that outlets, switches and fixtures shall be properly installed and shall be maintained in a good and safe working condition.
- H. Housing Regulation 173/99 s.4  
Multiple loose wires and exposed conductors noted in basement, which is a contravention of section 11 of the Minimum Housing and Health Standards which states that outlets, switches and fixtures shall be properly installed and shall be maintained in a good and safe working condition.
- I. Housing Regulation 173/99 s.4  
Handrail on basement staircase does not span entire flight of stairs and spindles are not installed on railing, which are contraventions of section 3(c) of the Minimum Housing and Health Standards which states that interior 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. Housing Regulation 173/99 s.4  
The toilet is leaking and has caused water damage to the baseboards and floor around the toilet, which is a contravention of section 6(a,b,c) of the Minimum Housing and Health Standards which states that (a) 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. (b) Adequate water volume and pressure shall be provided to ensure the proper operation and flushing of all fixtures. (c) All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.
- K. Housing Regulation 173/99 s.4  
Dining room window was not weatherproof, which is a contravention of Section 2 (b) of the Minimum Housing and Health Standards which states (i) All windows and exterior doors shall be: maintained in good repair, free of cracks and weatherproof.

- L. Housing Regulation 173/99 s.4  
Insect screens were not installed in bedroom or bathroom windows and were in disrepair in storm door, which are contraventions of section 2(b) of the Minimum Housing and Health Standards which states that (iii) 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.
- M. Nuisance and General Sanitation Regulation 243/2003 s.2  
Dryer is not adequately vented to the outside, which is a contravention of 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.
- N. Nuisance and General Sanitation Regulation 243/2003 s.2  
The Garage is in major disrepair. The roof is collapsing and is not structurally sound, which is a contravention of 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.
- O. Housing Regulation 173/99 s.4  
The walls in the basement were in disrepair. The walls were open and insulation and wiring could be seen, which is a contravention of section 5(a) 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.
- P. Nuisance and General Sanitation Regulation 243/2003 s.2  
The toilet seat was peeling, which is a contravention of 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
- Q. Housing Regulation 173/99 s.4  
The toilet was leaking, which is a contravention of section 6(a,b,c) of the Minimum Housing and Health Standards which states that (a) 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. (b) Adequate water volume and pressure shall be provided to ensure the proper operation and flushing of all fixtures. (c) All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.

R. Housing Regulation 173/99 s.4

The washing machine's tap leaked which can cause increased humidity and mould growth which is a contravention of section 6(a,b,c) of the Minimum Housing and Health Standards which states that (a) 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. (b) Adequate water volume and pressure shall be provided to ensure the proper operation and flushing of all fixtures. (c) All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.

S. Housing Regulation 173/99 s.4

The bathtub's hot water tap is in poor repair and dripped continually which is a contravention of section 6(a,b,c) of the Minimum Housing and Health Standards which states that (a) 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. (b) Adequate water volume and pressure shall be provided to ensure the proper operation and flushing of all fixtures. (c) All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.

**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 August 2, 2012.
2. That the owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
  - a. Investigate the cause of all points of water infiltration and conduct appropriate repairs.
  - b. Areas that are water damaged must be assessed for possible mould contamination. The owner or the owner's agent shall, at a minimum, contract a qualified consultant to fully and completely investigate and assess the building, including hidden cavities and surfaces, for the signs of water damage and moulds. This shall include intrusive and destructive investigation of hidden cavities and surfaces to the extent considered necessary in the opinion of the expert consultant. Intrusive and destructive testing may include, but is not limited to, cutting access holes in walls and ceilings, lifting carpets or vinyl sheet flooring, and removing wallpaper for investigation purposes.

The consultant contracted by the owner shall ensure and document that any and all mould remediation work completed was thorough and effective. That is, in the opinion of the consultant, the mould remediation work was

effectively, thoroughly and satisfactorily completed in accordance with the protocols of New York City Department of Health (2008)<sup>1</sup>, United States Environmental Protection Agency (USEPA, 2001) and Health Canada (1995, 2004, 2007) The consultant shall document the mould investigation, delineation and remediation work and shall submit the detailed report or reports to Alberta Health Services.

Mould remediation consisting of treatment only with a biocide or disinfectant (e.g., bleach) is not acceptable. The presence of any mould, whether alive or dead, on visible surfaces or hidden in cavities (e.g., wall cavities) presents an unacceptable situation requiring remediation by mould removal and surface cleaning. In addition, the application of a biocide or disinfectant following the completion of mould remediation, with the intent of inhibiting possible future fungal growth, is not considered effective, necessary or beneficial.

Following the completion of all mould remediation work, the consultant contracted by the owner shall collect representative air samples from each habitable floor of the building, including the basement, and attic. The consultant shall collect a minimum of one (1) air sample per floor for an open concept floor plan or a minimum of two (2) air samples per floor for a compartmentalized floor plan. An open floor plan is where 75% or more of the floor footprint consists of 1 room. More samples per floor may be collected at the professional discretion of the consultant.

The consultant shall collect at least three (3) representative outdoor samples for each day of sampling in accordance with Health Canada (2004) recommendations. Outdoor/control samples shall be collected on the same day as indoor samples. The owner/consultant can store viable test samples for later analysis pending receipt of acceptable results of total fungal particulate samples. The characterization of outdoor variability assists in the assessment of indoor samples.

Fungal air sampling shall occur in compliance with Health Canada (2004) *Fungal Contamination in Public Buildings: Health Effects and Investigation Method*, page 41, and requires:

- Ventilation system is operational
- Non quiescent conditions (i.e., sampling following or during quiescent periods is not acceptable – sampling conditions must occur during or simulate disturbance conditions associated with normal occupancy)
- Sampling is not to occur during or immediately following precipitation events. AHS recommends a 24 hour buffer period between the end of a precipitation event and air sampling
- Allow one or two hours between start and end of triplicate outdoor control or background air sampling (i.e., one outdoor sample at the start, midway and end of indoor sampling)
- One of the outdoor control samples shall be collected at the furnace outdoor air intake grill. If the air intake grill is not accessible, the test

location is at the discretion of the consultant but sampling on the windward side of the structure is recommended.

- c. Ensure all windows are in good repair and adequately weatherproof.
  - d. Modify or replace the guardrail on the basement stair case to meet with the current Alberta Building Code.
  - e. Ensure all outlets, switches, fixtures and electrical box are properly installed and maintained in a good and safe working condition. Hire a qualified electrician to conduct an assessment and all necessary repairs of the affected electrical components.
  - f. Ensure insect screens are installed on all openable windows.
  - g. Ensure the roof is in good repair and water proof.
  - h. Ensure the exterior cladding is in good repair and water proof.
  - i. Repair, replace or remove the garage to meet with current Alberta Building Code and to prevent a nuisance condition.
  - j. Ensure dryer vent is in good repair and is adequately vented to the outside.
  - k. Ensure all plumbing fixtures, including toilet, are serviceable, free from leaks, trapped and vented to the outside.
  - l. Replace toilet seat to ensure it is smooth, non-porous and easy to clean.
  - m. 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. 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.
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.

***Be Advised:***

*The above conditions were noted at the time of inspection and may not necessarily reflect all deficiencies; you are advised that further repairs may be required to ensure full compliance of the Housing Regulation, or to prevent a Public Health Nuisance, prior to permitting reoccupancy.*

*Any building upgrades or modifications may be subject to municipality planning and development department reviews and the procuring of proper permits.*

DATED at Edmonton, Alberta, July 4, 2012

\_\_\_\_\_(Original Signed)\_\_\_\_\_  
**Eleanor Lee**, B.Sc, B.EH(AD), CPHI(C)  
Executive Officer & Environmental Health Officer  
Environmental Public Health  
Alberta Health Services  
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#### **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 24<sup>th</sup> Floor, Telus Plaza, 10025 - Jasper Avenue, Edmonton, Alberta, T5J 1S6. Telephone (780) 427-2813.

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](http://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](http://www.qp.gov.ab.ca).*

*Copies of standards are available by contacting the Health Protection Branch of Alberta Health & Wellness at (780) 427-4518, or by visiting: [www.health.alberta.ca/about/health-legislation.html](http://www.health.alberta.ca/about/health-legislation.html)*

Confirmation of an oral order issued to **Matthew Sicoli** , on **July 3, 2012**

Copy : Jonathan Sicoli