

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

To: **1350647 Alberta LTD**
 "the Owner"

And

Guy Pagliuso
"the Owner"

And

Amedeo Pagliuso
"the Owner"

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

RE: Those housing premises located in Edmonton, Alberta and municipally described as:
9517 103 Avenue NW
(Lot 10, Block 8, Plan ND)

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 window pane in the mudroom off the kitchen was broken and/or cracked.
- b. The window pane in the kitchen was broken.
- c. The main floor southeast bedroom laminate floor covering showed evidence of water damage. The laminate flooring showed signs of buckling and had separated.
- d. The main floor southeast bedroom window did not open impeding emergency egress.
- e. The main floor southeast bedroom door jamb was in disrepair.
- f. The main floor southeast bedroom light cover was missing.
- g. The main floor southeast bedroom ceiling and drywall showed evidence of water damage.
- h. The main floor southeast bedroom vent cover had lifted and detached.
- i. The drywall paint had lifted and detached throughout the premises.
- j. The drywall surfaces were constructed of an unfinished material throughout the premises.
- k. The main floor hallway ceiling showed evidence of water infiltration and water damage. The surface covering had lifted and detached.

- l. The guard height on the stairs leading to the second floor ranged from 28 to 29 inches.
- m. There were window screen missing or in disrepair throughout the premises.
- n. The second floor northeast bedroom patio door window pane was single paned.
- o. There were electrical cover plates missing throughout the premises.
- p. The second floor bathroom window could not be opened to allow ventilation.
- q. The second floor bathroom counter caulking had lifted and detached.
- r. The handrail was missing on the stairs leading to the basement of the premises.
- s. The basement ceiling drywall surfaces were missing or disrepair.
- t. The basement ceiling ducting was in disrepair and had detached.
- u. The head clearance at the entrance to the basement bedroom was measured to be 69.5 inches.
- v. The basement bedroom door casing had lifted and detached.
- w. The basement bedroom drywall and ceiling surface showed evidence of water damage.
- x. The lower portion of the drywall throughout the basement bedroom was removed.
- y. The basement bedroom electrical box was hanging from the ceiling. The electrical box was wrapped in painters tape.
- z. The basement bedroom window could not be opened impeding emergency egress.
- aa. The basement smoke alarm was missing.
- bb. The basement bathroom ceiling and drywall showed evidence of water damage.
- cc. The basement bathroom stand up shower caulking had lifted and detached.
- dd. The basement bathroom stand up shower surround was in disrepair. The surround had lifted, detached and was punctured.
- ee. The basement bathroom mechanical ventilation was not operational. The ventilation cover was missing.
- ff. The basement bathroom wall above the handwashing sink was constructed of exposed unfinished wood.
- gg. The basement bathroom tiles and baseboards were in disrepair. The tiles and baseboards had lifted and detached.
- hh. The premises was maintained in an unsanitary manner. There was evidence of animal urine and feces throughout the premises.
- ii. There was a build-up of garbage, building material, multiple mattresses, bikes and personal items located at the rear of the premises.

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 (c, e, g, k, w, bb and t) were 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. Items (a and b) 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.
- c. Item (n) was 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.

- d. Item (m) was 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. Items (d and z) was in contravention of section III(3)(b)(i) of the Minimum Housing and Health Standards which states that: Windows referred to above shall provide unobstructed openings with areas not less than 0.35 m² (3.8ft²), with no dimension less than 380 mm (15”).
- f. Items (l and r) were 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.
- g. Items (h, i, j, k, s, v and x) were 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 (q, cc, dd, ff and gg) were 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. Items (p and ee) were 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.
- j. Items (f, o and y) were 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.
- k. Item (aa) was 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.
- l. Items (hh and ii) were in contravention of section V(16) of the Minimum Housing and Health Standards which states that: The owner shall ensure that all rooms and other areas used in common by the occupants of the individual dwellings are maintained in a clean and sanitary condition.
- m. Item (u) was in contravention of Section (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 June 29, 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 proper testing for asbestos as indicated above, remove and replace all water damaged building material. Water damaged building material are listed below:
 - i. The main floor southeast bedroom laminate floor covering.
 - ii. The main floor southeast bedroom ceiling and drywall surface.
 - iii. The main floor hallway ceiling and drywall surface.
 - iv. The basement bathroom ceiling and drywall surfaces.
 - v. The basement bedroom ceiling and drywall surfaces.

Ensure all building materials that have been damaged or show evidence of rot or other deterioration are to be repaired and/or replaced.

- c. Repair the southeast bedroom door and door jamb. Ensure all building materials that are damaged or show evidence of rot or other deterioration are repaired and/or replaced.
- d. Repair or replace the damaged basement ceiling ducting. Ensure all ducting throughout the premises is in good repair.
- e. Replace or repair the broken the window panes in the kitchen and mud room. Ensure all windows and exterior doors are maintained in good repair, free of cracks and weatherproof.
- f. Repair or replace the main floor southeast and basement bedroom windows so they comply with emergency egress requirements. Ensure all bedroom windows provide unobstructed openings with areas not less than 0.35 m² (3.8ft²), with no dimension less than 380 mm (15”).
- g. Increase the height of the guard leading to the second floor of the premises to 36 inches and 42 inches were the elevation difference is greater than 6 feet. Ensure all stairs and porches including all treads, risers, supporting structural members, rails, guards and balconies, are maintained in good repair and comply with the requirements of the Alberta Building Code or a Professional Engineer design.
- h. Install a handrail on the stairs leading to the basement of the premises.
- i. Install a window screen that is fitted to the opening of the window frame on all exterior windows that can be opened for ventilation. Ensure 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 is supplied with effective screens.
- j. Repair/install or replace the second floor northeast patio door pane so that it double glazed. Ensure all exterior windows in habitable rooms are 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.
- k. Install an operational smoke alarm in the basement in or by the bedroom. Ensure all smoke alarms are operational and in good repair at all times.
- l. Increase the head clearance at the entrance of the basement bedroom to a minimum of 72 inches. An unobstructed head clearance of 72 inches/6 feet is required throughout the path of egress or decommission the basement as a living space
- m. Install or replace all missing light and electrical protective covers throughout the premises. Ensure all outlets, switches and fixtures shall be properly installed and shall be maintained in a good and safe working condition.
- n. Repair the electrical outlet box in the basement. Ensure all outlets, switches and fixtures shall be properly installed and shall be maintained in a good and safe working condition.
- o. Repair or replace the second floor hand sink counter and basement stand up shower caulking to allow a water tight seal. All walls form a watertight joint with each other, the floor, the ceiling and where applicable with the bathtub or shower.

- p. Repair or replace the basement bathroom tile floor cover, baseboards and drywall. Ensure all bathrooms have walls and floors that are smooth, non-absorbent to moisture and easy to clean.
- q. Repair and/or replace the following:
 - i. The southeast bedroom ventilation cover.
 - ii. All unfinished drywall throughout the premises.
 - iii. All drywall surface paint that had lifted and detached.
 - iv. The basement ceiling drywall.
 - v. The basement bedroom door casing.
 - vi. The missing lower portion of the basement bedroom drywall.

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.

- r. Repair the basement bathroom ventilation. Ensure all bathrooms are provided with natural or mechanical ventilation.
 - s. Repair the second floor bathroom window so that is able to be opened to all natural ventilation.
 - t. Remove all evidence of animal urine and feces in and outside of the premises. Ensure all surfaces have been cleaned and disinfected.
 - u. Remove the build-up of garbage, building material, multiple mattresses, bikes and personal items located at the rear of the premises.
 - v. Ensure that the conditions within the premises 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, May 28, 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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www.albertahealthservices.ca/eph.asp