

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

To: **Gloria & Joel Bate** **Peter Stairs**
"the Owner" "individual in care and control"

And to: All Occupant(s) of the following Housing Premises:

RE: Those housing premises located in Edmonton, Alberta and municipally described as:
Garage - 9649 154 Street NW

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. There was evidence that an individual was living in the garage
 - An area of the garage was physically separated from the "work area" and used for living. A tarp was separating the spaces.
 - There was a microwave and toaster in the space.
 - There were personal belongings in the suspected living area.
 - A television and other items were set up for use.
 - Lights had been strung up to provide lighting.
 - There was a sofa chair with a pillow and a blanket in the living area.
- b. There was no functional smoke alarm in the premises.
- c. The area used for sleeping did not have adequate mechanical or natural ventilation as required by the Alberta Building Code.
- d. The floors, walls and ceiling coverings throughout the premises were not in good repair and not in a condition that rendered them easy to clean.
- e. There was no continuous supply of portable hot and cold water to the premises.
- f. There was no plumbing system and facilities lacking fixtures including a toilet, a wash basin and a shower or bathtub.
- g. There was no sink or area suitable for food preparation in the premises.

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

- a. Item (a) is in contravention of section 5(2) of the Housing Regulations 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.

- b. Item (b) 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.
- c. Item (c) is in contravention of section III (4) (a, b) of the Minimum Housing and Health Standards which states that: All rooms used for sleeping shall be provided with: (a) openable window area of 0.28m² (3.0ft²); or (b) mechanical ventilation in conformance with the requirements of the Alberta Building Code.
- d. Item (d) is 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.
- e. Item (e) is in contravention of section IV (9) of the Minimum Housing and Health Standards which states that: Every building used in whole or in part, as housing premises must be supplied with a potable water supply of sufficient volume, pressure and temperature to serve the needs of the inhabitants. (a) all hot running water shall be maintained at a temperature of not less than 46 degrees C (114 F) and not more than 60 degrees C (140oF) measured at the plumbing fixture.
- f. Item (f) is in contravention of section IV(7) of the Minimum Housing and Health Standards which states that: Except where exempt by regulation, every housing premises shall be provided with plumbing fixtures of an approved type consisting of at least a flush toilet, a wash basin, and a bathtub or shower.
- g. Item (g) is in contravention of which states that: Every housing premises shall be provided with a food preparation area, which includes: a kitchen sink that is supplied with potable hot and cold water and suitably sized to allow preparation of food, washing utensils and any other cleaning operation

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 November 15, 2018.**
2. **That the owner undertake and diligently pursue the completion of the following work in and about the above noted premises namely:**
 - a. Install a functional smoke alarm in the premises.
 - b. Install adequate ventilation as required by the Alberta Building Code.
 - c. Install floors, walls and ceiling coverings in the premises so they are in good repair and in a condition that renders them easy to clean.
 - d. Ensure heating facilities are properly installed and maintained in good working condition, and capable of safely and adequately heating all habitable areas.
 - e. Ensure a continuous supply of electricity, water and heat is supplied to the premises.
 - f. Install a functioning toilet, wash basin and a shower or bathtub in the premises.
 - g. Install a sink for food preparation and an area to prepare foods.
 - h. Ensure the door and windows are in good repair, capable of being secured and properly weatherproofed.
 - i. Ensure all requirements of the jurisdiction having authority for the development of garden suites are met.

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.

DATED at Edmonton, Alberta, November 9, 2018.

Confirmation of a verbal vacate order was provided to Peter Stairs on November 8, 2018.

_____ (Original Signed) _____

Meaghen Allen, B.Sc., BEH(AD), MPH, 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: 780-222-5186
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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