

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

To: Darren Kozey, Zennon Kozey, Diane Kozey, and Patricia Soria
“the Owners”

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

RE: Those housing premises located in Edmonton, Alberta and municipally described as:
9724 75 Avenue 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. Severe mould infestation was visible in the living room, bathroom, main floor south bedroom, and rear addition.
- b. High moisture levels were detected in the walls of the living room, bathroom, main floor south bedroom, and rear addition, an indication of water intrusions.
- c. Large areas of the ceilings in the living room, main floor south bedroom, and rear addition had collapsed.
- d. Walls in the bathroom and rear addition suffered major water damage.
- e. Wood floor in the living room and carpet in the main floor south bedroom had been damaged by moisture.
- f. Several wood boards on the front steps and landing were rotted, rendering them unsound.
- g. Spaces between spindles on the guardrail located on the front steps and landing were 5.25 inches which was an entrapment hazard.
- h. The house had no electricity.
- i. An accumulation of garbage inside the house creating an unsanitary living condition.
- j. Furniture and household items were piled up high creating a toppling hazard.
- k. Mouse droppings could be seen throughout the house, an indication of a mouse infestation.
- l. Cockroaches were seen inside the refrigerator, an indication of a cockroach infestation.
- m. There were no working smoke alarms inside the house.
- n. The large picture window in the living room was badly cracked. Pieces of glass were on the verge of falling.

AND WHEREAS such inspection disclosed that the following breaches of the Public Health Act and the Nuisance and General Sanitation Regulation, Alberta Regulation 243/2003 exist in and about the above noted premises, namely:

- a. Items [a to n] are in contravention of section 2(1) of the Nuisance and General Sanitation Regulation which states: “*No person shall create, commit or maintain a nuisance.*”

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 **September 16, 2022**.
2. That the Owner undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Determine the presence of asbestos containing materials prior to starting intrusive or destructive investigations, remediations, or repairs. If asbestos containing materials are found, procedures outlined in the Alberta Asbestos Abatement Manual must be followed.
 - b. Retain the services of a consultant or contractor who is knowledgeable in water intrusions to determine and eliminate the water source(s).
 - c. Retain a mould remediation consultant/professional to determine the full extent of the mould contamination and to conduct mould remediation. Submit to our office the consultant’s report including details of the mould investigation, remediation work performed, results of the fungal air clearance sampling, and the consultant’s conclusion of the effectiveness of the remediation.
 - d. Remove and replace all water damaged and rotten building materials.
 - e. Repair the ceilings in the living room, main floor south bedroom, and rear addition.
 - f. Reduce spaces between spindles on the guardrail at the front entrance to no more than 4 inches.
 - g. Restore electricity to the house.
 - h. Dispose all garbage and rash in a sanitary manner.
 - i. Arrange furniture and store household items in a manner to prevent them from toppling.
 - j. Retain the services of a pest control professional to eradicate the mouse and cockroach infestations.
 - k. Install working smoke alarms outside the bedrooms.
 - l. Remove pieces of broken glass from the living room window.
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, September 1, 2022

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, 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 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: <https://www.alberta.ca/health-standards-and-guidelines.aspx>

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<https://www.ahs.ca/eph>