

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

To: **Saraswati P. Singh**
Edmonton, AB

And To: All Occupants of the following Housing premises:

RE: **Lot 16, Block 22, Plan 1750R**
Municipally known as: 9902 -77 Avenue, Edmonton, AB, T6E 1M5

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. The main floor bedroom window was unacceptable for egress in a case of emergency (the window could not be opened).
- b. The guard was in disrepair with some balusters missing on one side of the exterior rear entrance stairs and the guard and handrail were missing on the other side of the exterior rear entrance stairs, which can create a falling hazard.
- c. The guard and handrail were missing on the interior stairs leading to the basement, which creates a falling hazard.
- d. There was no graspable handrail installed on the exterior front entrance stairs, which can create a falling hazard.
- e. The rear entrance outside stairs were deteriorated and rotten, with a hole present in the floor boards of the stairs landing.
- f. The headroom clearance on the stairs leading to the basement was too low, measuring approximately 5'3" at the lowest point.
- g. The bedroom window did not have a lock installed, which creates a safety concern.
- h. A crack was observed in the west foundation wall, which creates a potential for water infiltration.
- i. The wall near the bathtub faucet in the main floor bathroom was rotten, water damaged and mouldy, which creates a health hazard.
- j. The basement bathroom did not have walls, separating the bathroom from other basement areas. No finished floor or ceiling present in the basement bathroom. These conditions create privacy issues and prevent proper cleaning of the room.
- k. There was no mechanical or natural ventilation present in the main floor bathroom and the basement bathroom, which prevent removal of moisture from the house and creates potential for the mould growth.
- l. Walls were in disrepair with holes present in the north-east and south-east basement rooms and the main floor bedroom, which prevents proper cleaning of the walls.

- m. The kitchen window, basement north-east room and the main floor bathroom windows were single panes windows, which results in improper weatherproofing.
- n. The light switch and/or electrical outlet covers were missing in the main floor bedroom, north-east basement room and near the basement stairs, creating potential electrical hazards.
- o. The evidence of bed bugs was observed: dead bed bugs were observed on the floor in the main floor bedroom.

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
The main floor bedroom window unacceptable for egress in a case of emergency is a contravention of section III(3)(b)(i) of the Minimum Housing and Health Standards which states that: For buildings of 3 storeys or less and except where a bedroom door provides access directly to the exterior or the suite is sprinklered, each bedroom shall have at least one outside window which may be opened from the inside without the use of tools or special knowledge. (i) 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").
- b. Housing Regulation 173/99 s.4
The guard in disrepair with some balusters missing on one side of the exterior rear entrance stairs and the guard and handrail missing on the other side of the exterior rear entrance stairs are contraventions 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.
- c. Housing Regulation 173/99 s.4
The guard and handrail missing on the interior stairs leading to the basement are contraventions 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.
- d. Housing Regulation 173/99 s.4
Absence of graspable handrail installed on the exterior front entrance stairs is a 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.
- e. Housing Regulation 173/99 s.4
The deteriorated and rotten rear entrance outside stairs is a 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.

- f. Nuisance and General Sanitation Regulation 243/2003 s.2
The reduced headroom clearance on the stairs leading to the basement is a contravention of Part 1, section 2(1) of the Nuisance and General Sanitation Regulation 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.
- g. Housing Regulation 173/99 s.4
The lack of the bedroom window lock is a 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. Housing Regulation 173/99 s.4
A crack in the west foundation wall which is a contravention of section III (1)(b) of the Minimum Housing and Health Standards which states that: Basements, cellars or crawl spaces shall be structurally sound, maintained in good repair and free of water infiltration and accumulation, and 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.
- i. Housing Regulation 173/99 s.4
The wall near the bathtub faucet in the main floor bathroom that was rotten, water damaged and mouldy is a contravention of section III (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.
(a) 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.
- j. Housing Regulation 173/99 s.4
The basement bathroom that neither had walls, separating the bathroom from other basement areas, nor had finished floor or ceiling present is a contravention of section III (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. (a) 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.

- k. Housing Regulation 173/99 s.4
The absence of mechanical or natural ventilation in the main floor bathroom and the basement bathroom is a 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.
- l. Housing Regulation 173/99 s.4
Disrepairs to the walls are contraventions 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.
- m. Housing Regulation 173/99 s.4
Presence of single pane windows is a 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. Housing Regulation 173/99 s.4
Missing light switch and electrical outlet covers are contraventions of section IV (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.
- o. Housing Regulation 173/99 s.4
Bed bug infestation is a contravention of section V (16) (a) of the Minimum Housing and Health Standards that states that: (a) The owner shall ensure that the housing premises are free of insect and rodent infestations; and (i) all situations requiring the application of pesticides shall be conducted in accordance with the Environmental Protection and Enhancement Act and regulation; and (ii) whenever a pesticide is applied in a dwelling, the occupant shall be notified in accordance with the latest edition of the Environmental Code of Practice for Pesticides published by Alberta Environmental Protection. (iii) it is the occupants responsibility to allow access in accordance to the Residential Tenancy Act to do whatever is necessary to ensure the dwelling unit is ready for pesticide application.

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**:

- a. That the occupants vacate the above noted premises on or before **February 1, 2013**.
- b. That the owner undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Provide the main floor bedroom with a window which may be opened from the inside without the use of tools or special knowledge. Unobstructed openings shall not be less than 0.35 sq.m (3.8 sq.ft), with no dimension less

than 380mm (15 inches), and any security bars must be openable from the inside without the use of any tools or special knowledge. Ensure that the basement rooms are not used for sleeping or provide an acceptable for egress window in each basement room.

- b. Ensure that inside or outside stairs or porches including all treads, risers, supporting structural members, rails and guards are maintained in good repair and comply with the requirements of the Alberta Building Code or Professional Engineer design.
- c. Increase the headroom clearance over basement stairs to at least six feet. Building alterations must not affect structural components, and may require a permit from the municipality Planning & Development office. Alternatively, the headroom clearance does not have to be altered if there is no habitable room present in the basement, such as bathrooms, bedrooms or office, and the basement area is used for storage and utilities, excluding laundry.
- d. Ensure that all windows and exterior doors are equipped with locking devices.
- e. Ensure that all windows in the habitable rooms provided with double glazing or storm sash.
- f. Repair affected areas of foundation to ensure that the foundation is free of cracks and there is no water infiltration through foundation. These repairs must be carried out by qualified individuals. These individuals must provide a report regarding the condition of foundation to Alberta Health Services office.
- g. Remove all mouldy and/or water damaged materials from the main floor bathroom. Replace with new materials. Where water damage has occurred, the areas must be assessed to determine the extent of damage and mould contamination. This assessment must include insulation and any other absorbant material in wall and ceiling cavities, including the attic. All mouldy material must be removed and the area cleaned and dried before repairs and refinishing are completed.

Where mould growth is extensive, mould remediation must be consistent with procedures in these or similar documents:

- Mould Remediation in Schools and Commercial Buildings (EPA, 2001)
 - Guidelines on Assessment and Remediation of Fungi in Indoor Environments (New York City Department of Health, 2002)
 - Mould Guidelines for the Canadian Construction Agency (CCA, 2004)
 - Mould in Indoor Environments Risk Assessment and Management Program Handbook (Alberta Research Council / Alberta Infrastructure and Transportation 2006)
- h. Repair or replace all damaged floors, walls and ceiling, so that they are in good repair, smooth and washable.

- j. Ensure that the basement bathroom is properly finished with floors, walls and ceiling which are smooth, made of moisture-impervious materials and in good repair. Alternatively, the basement bathroom can be removed, with all fixtures, including the sink, shower stall and the toilet removed and properly capped.
- k. For each room containing a flush toilet and/or bathtub provide a mechanical ventilation with the exhaust fan venting to the outside or natural ventilation with the openable window leading to the outside.
- l. Hire a qualified pest control company to administer all necessary pest control measures to remediate the pest issue in the premises. Provide a copy of the invoice regarding the pest control treatment from the pest control company to this office.

The building owner(s), property managers, and occupants/tenants must work together to discourage any pest infestation and/or nesting by employing a number of control methods and by performing continual building maintenance in areas of concern. All parties are advised to work with and adhere to any prescribed actions from the exterminator (pest control company) contracted to service the building, and to consider a combination of physical control measures consistent with an Integrated Pest Management program (IPM).

- m. Replace all missing electrical outlet and light switch covers.
- c. 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, December 20, 2012.

(Original Signed)
Svetlana Selina, B.Sc., BEH (AD), 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 within ten (10) days after receiving the order to the Public Health Appeal Board located at 24th 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.

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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

Confirmation of verbal order issued to **Saraswati P. Singh**, on **December 18, 2012**.