

ORDER OF AN EXECUTIVE OFFICER
UNFIT FOR HUMAN HABITATION

To: David Wakefield The Bank of Nova Scotia Trust Company
Calgary, AB Calgary, AB

RE: Plan 385KS, Block 1, Lot 3
Gainford Hotel, 6203 Highway 16
Gainford, AB, T6J 5H2

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. Multiple suites and common halls have inoperable smoke detectors or no smoke detectors installed creating a lack of a warning system in case of fire.
- b. Multiple suites have windows that are not regulation size preventing the egress in a case of emergency.
- c. Multiple suites have window locks missing, or not in operation with some using binder twine and duct tape to hold them shut.
- d. Multiple suites have loose hardware or none at all creating safety issues.
- e. Multiple suites have cracked or broken and ill fitting windows which does not provide adequate weatherproofing and compromises the structural integrity of the window.
- f. Multiple suites windows are missing insect screens, allowing possible pest entry.
- g. Multiple suites have worn and rotted window frames and window sills which does not provide adequate weatherproofing and compromises the structural integrity of the window.
- h. The common hallways were in extensive disrepair, such as peeling paint on the ceiling and walls, holes in the drywall, crumbling at the wall to floor join, missing baseboards and evidence of mold growth preventing proper cleaning of surfaces, and provide entry for pests.
- i. Building has electrical deficiencies, such as heavily corroded and rusted conduit pipes, missing electrical outlet covers and light switch covers, uncovered ceiling light bulbs creating potential electrical hazards.
- j. Multiple suites and common washrooms have plumbing deficiencies, such as heavily rusted sinks and toilets, a leaky pipe was observed with a pail beneath a hand sink in one of the common hall washrooms collecting water; missing taps on a hand sink, missing lid on a toilet tank, evidence of dried sewage in the basement.
- k. Multiple suites have finishes that are in extensive disrepair, such as ripped and damaged floor covering materials, missing transition strips, holes in walls and doors,

damaged drywall, peeling paint, cracks in the ceiling, broken, crumbling ceiling drywall, openings in walls to plumbing lines beneath hand sinks and stains on the ceilings due to water infiltration, and evidence of mold growth which prevents proper cleaning of the surfaces, creates tripping hazards and provides entry points for pests.

- l. Multiple suites and hallways have filthy and stained walls, ceiling, carpets and flooring materials which are not maintained in a clean and sanitary condition.
- m. Multiple suites have filthy mattresses and linens which are not maintained in a clean and sanitary manner.
- n. Evidence of mice infestation, such as mouse traps, presence of a dead mouse and mice droppings in multiple suites, was observed, creating unsanitary conditions and potential hazard to the occupants' health.
- o. The exterior balcony that is accessible by the public has no guard railing to prevent people from falling off from the second floor which is an imminent safety hazard.
- p. Multiple suites have missing door knobs which prevent suites from being secured.
- q. Common washrooms do not have natural or mechanical ventilation.
- r. Some washrooms have peeling drywall, and a wall is pulling away in a toilet room which prevents proper cleaning of surfaces.
- s. The basement concrete walls have multiple horizontal cracking.
- t. The basement floor is wet in several areas with an accumulation of water.
- u. Basement ceiling wood beams have water stains and evidence of rot.

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
Missing and inoperable smoke alarms therefore no early warning system in the case of a fire which is a contravention of section IV (12) of the Minimum Housing and Health Standards which states that: Smoke alarms within dwellings shall be installed between each sleeping area and the remainder of the suite and, where hallways serve the sleeping areas; the smoke alarms shall be installed within the hallway. **(a above)**.
- b. Housing Regulation 173/99 s.3
Windows that are not regulation size preventing egress in a case of emergency are contraventions of section III(3)(b)(i) of the Minimum Housing and Health Standards which states that: For buildings of 3 storey's 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 above)**.
- c. Housing Regulation 173/99 s. 3
The absence of the locking hardware on the windows or locking hardware being not operational 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. **(c & d above)**.

- d. Housing Regulation 173/99 s.3
Worn and rotting window frames and window sills are 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; and section III (1)(c) which states: Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced. **(g above).**
- e. Housing Regulation 173/99 s.3
Cracked, broken and ill fitting windows are contraventions 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. **(e & g above).**
- f. Housing Regulation 173/99 s.3
The missing insect screens on the windows 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. **(f above).**
- g. Housing Regulation 173/99 s.4
Electrical deficiencies 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. **(i above).**
- h. Housing Regulation 173/99 s.4
Plumbing deficiencies are contraventions of section IV(6) (a) and (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, and (c) All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside. **(j above)**
- i. Housing Regulation 173/99 s.4
Extensive disrepair to the finishes 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; and section III (1)(c) which states: Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced. **(h & k above)**
- j. Housing Regulation 173/99 s.4
Bathroom finishes being in disrepair are contraventions 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. **(r above)**
- k. Housing Regulation 173/99 s.4
Bathrooms are lacking fans or are in disrepair are 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. **(q above)**
- l. Housing Regulation 173/99 s.4
Mouse infestation is a contravention of section V (16) (a) of the Minimum Housing and Health Standards which states that: 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.**(n above)**
- m. Housing Regulation 173/99 s.4
Exterior windows and doors which are not being capable of being secured are contraventions 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. **(p above)**
- n. Housing Regulation 173/99 s.3
Missing guard railing which 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. **(o above)**
- o. Housing Regulation 173/99 s.5
The insanitary conditions of the walls, ceiling, and flooring materials of multiple suites and common areas is a 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. **(l above)**
- p. Housing Regulation 173/99 s.3
Water infiltration and deterioration of materials in the basement is a contravention of section III of the Minimum Housing and Health Standards which states that: The owner shall ensure that the housing premises is structurally sound, in a safe condition, in good repair, and maintained in a waterproof, windproof and weatherproof condition; and 1(b) Basements, cellars or crawl spaces shall be structurally sound, maintained in good repair and free from water infiltration and accumulation; 1(c) Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced; 1(d) Repairs or modifications required by the Executive Officer 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) **(s, t & u above)**

- q. Nuisance and General Sanitation Regulation 243/2003 s.2
The insanitary conditions of the linens and mattresses 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.**(m above)**

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 **March 31, 2013**.
2. That the owner undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. A hazardous materials audit of the building shall be completed by a qualified consultant prior to the start of any mould investigation, remediation or any other building disturbance activities. The hazardous materials audit shall include, but not be limited to, the identification and delineation of the following:
 - Asbestos-containing materials (insulation and fire proofing)
 - Lead-containing surface coatings (paint)
 - Mercury-containing switches, thermometers, etc.
 - Pesticides
 - Poly Chlorinated Biphenyls (PCBs) (transformers and light ballasts)
 - Radioactive equipment such as some smoke/fire detectors
 - Refrigerants
 - Paints and solvents
 - Biological hazards such as bird, bat or mouse droppings.The consultant shall document to the owner in written form the proper management or disposal of the identified hazards in the building. In addition, as the owner's agent the consultant shall direct and document that the identified hazards in the building are properly managed or disposed of in accordance with government standards and guidelines and industry codes of practice. The findings of the hazardous materials audit, including the management or disposal activities undertaken on the premises, shall be documented and submitted in a report to AHS prior to active remediation work proceeding.
 - b. Due to the evident amount of water damage and the observed mold growth seen an air quality assessment under consultation with an environmental consultant and/or hiring an Environmental Consultant or Industrial/Occupational Health Consultant is required. Documentation of all remediation work must be provided by the qualified consultant and a copy must be provided to this office. Where water damage has occurred, the area(s) must be assessed to determine the extent

of damage and mold contamination. This assessment must include insulation and any other absorbent material in wall and ceiling cavities, including the attic. All moldy 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)

The Consultant should have current, active membership in a related professional organization or certifying body and shall be first approved in writing by Alberta Health Services.

- c. **Prior to performing any work inside the above noted premises** apply for and obtain all permits and approvals required by law, including, but not limited to, Environmental Restoration, Electrical, Plumbing, Gas and/or Mechanical permits.
- d. Retain the services of contractors to make all structural, electrical, and mechanical repairs necessary, all in compliance with applicable codes and regulations, and thereafter provide Alberta Health Services with a report or reports from such contractor or contractors confirming the work performed.
- e. Ensure that each suite is equipped with an operational smoke alarm.
- f. Ensure that each suite meets the requirements for emergency egress under section III(3)(b)(i) of the Minimum Housing and Health Standards as stated “For buildings of 3 storey’s 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”)”.
- g. Repair or replace missing or broken locking hardware on the windows.
- h. Repair or replace all broken and missing windows, and ensure that all windows and exterior doors are in good repair, free of cracks and weatherproof.
- i. Ensure that each openable window is equipped with an insect screen to prevent entry of pests.
- j. A qualified contractor is required to inspect the roof and conduct appropriate repairs to ensure there is no further water infiltration. Documentation of all repairs must be provided by a qualified contractor and a copy must be provided to this office.

- k. Remove all rotten and water damaged materials. Repair or replace all walls, ceilings, floors and floor coverings that are in disrepair so that they are free from cracks, holes, loose or lifting coverings and in a condition that renders it easy to clean.
 - l. The repairs to the electrical system must be completed to ensure that it is in a good and safe operating condition. A qualified electrician is required to inspect the electrical system and conduct appropriate repairs. Documentation of all repairs and upgrades must be provided by a qualified electrician and a copy must be provided to this office. That report must state that all outlets, switches and fixtures, including electrical service panels and associated conduits, are properly installed and maintained in a good and safe working condition.
 - m. Assessment and repairs of the plumbing system must be completed by a qualified contractor. Documentation of any repairs and upgrades must be provided by a qualified plumber and a copy must be provided to this office. That report must state that the plumbing system and the sanitary drainage system, including drains, fixtures, traps, vents, stacks, any waste disposal facilities, and disposal system are in proper operating condition.
 - n. Repair or replace all damaged or inoperable bathroom fans to ensure that all bathrooms are supplied with mechanical ventilation or natural ventilation.
 - o. Hire a qualified pest control company to assess the extent of pest infestation in the premises. Ensure that all necessary pest control measures are taken 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.
 - p. Ensure that all suites and common areas are secured from unauthorized access.
 - q. Retain the services of a Professional Engineer, registered in the Province of Alberta. The Engineer must provide a structural certification report to you, Alberta Health Services, and to the Safety Codes Officer (Building Discipline) with the County of Parkland, or the municipality having jurisdiction.
The report shall:
 - (a) Provide the Engineer's professional opinion on the structural integrity of the entire building, with specific comment on the individual components thereof (including the foundation, support structure, ceilings, floors, and roof) and whether the building is safe for occupancy.
 - (b) Be affixed with the Engineer's signature and professional seal.
 - (c) Be accompanied by a detailed design repair method, complete with drawings or plans and be affixed with the Engineer's signature and professional seal.
 - (d) If the Engineer's Report identifies required repairs in accordance with item (c) above you must provide a written construction schedule outlining the start and completion date for each item identified in the Engineer's design repair method.
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 secured 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, March 19, 2013.

_____(Original Signed)
Carol Sobkow Alloway, FT, 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.

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 & Wellness at (780) 427-4518, or by visiting: www.health.alberta.ca/about/health-legislation.html

Confirmation of a verbal order issued to Katie Dzus and David Wakefield on March 14, 2013.