

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

**To:** John Ruane

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

**RE:** First Floor of 9802-98 Avenue, High Level, Alberta, T0H 1Z0

**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. Building materials have been damaged or show evidence of rot or other deterioration in various locations.
- b. Walls, windows, ceilings, floors, and floor coverings are not maintained in good repair, free of cracks, holes, loose or lifting coverings, and in condition that renders it easy to clean.
- c. Washroom walls and floors are not constructed of smooth surfaces that are impervious to moisture and easy to clean.
- d. Floors of food preparation/cooking rooms are not constructed of materials that prevent harborage of dirt, grease, vermin, and bacteria.
- e. Plumbing and sanitary drainage system is not maintained in proper operating condition.
- f. No kitchen sink, no stove, and no refrigeration units are provided in food preparation area.
- g. Smoke alarms are not provided.
- h. The bedroom lacks adequate emergency egress as there is no direct door access to the exterior or windows that could be opened from inside.
- i. An improperly installed shower is located next to an open electrical panel.

**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. Building materials have been damaged or show evidence of rot or other deterioration in various locations which is in contravention of section 1(a), (c) of the Minimum Housing and Health Standards which states that: the housing premises shall be structurally sound and building materials that have been

damaged or show evidence of rot or other deterioration shall be repaired or replaced.

- b. Walls, windows, ceilings, floors, and floor coverings are not maintained in good repair, free of cracks, holes, loose or lifting coverings, and in condition that renders it easy to clean which is in contravention of section 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.
- c. Washroom walls and floors are not constructed of smooth surfaces that are impervious to moisture and easy to clean which is in contravention of section 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.
- d. Floors of food preparation/cooking rooms are not constructed of materials that prevent harbourage of dirt, grease, vermin, and bacteria which is in contravention of section 5 (b) of the Minimum Housing and Health Standards that states that: rooms and sections of rooms that are used for food preparation and cooking shall have walls and floors constructed of materials which do not provide harbourage to dirt, grease, vermin and bacteria and that are easily kept clean.
- e. Plumbing and sanitary drainage system is not maintained in proper operating condition which is in contravention of section 6 of the Minimum Housing and Health Standards which states that: the plumbing system and sanitary drainage system or private sewage disposal system, as the case may be, including drains, fixtures, traps, vents, stacks, waste disposal facilities, pump out sewage holding tanks, septic tanks and the disposal system shall be maintained in a proper operating condition.
- f. No kitchen sink, no stove, and no refrigeration units are provided in food preparation area which is in contravention of section 14(a) of the Minimum Housing and Health Standards which states that: every housing premises shall be provided with a food preparation area which includes a kitchen sink, a stove, and a refrigerator.
- g. Smoke alarms are not installed which is in contravention of section 12(a) 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.
- h. Deficiencies relating to bedroom emergency egress. No direct door access to the exterior or windows that could be opened from inside which is in contravention of section 3 (b) 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. Improperly installed shower represents both an electrical shock hazard and a fire hazard which is in contravention of section 2 (a) of the Nuisance and General Sanitation Regulation which states: that a person who creates, commits or maintains any premise 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.

**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 July 9, 2013.
2. That the owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
  - a. Replace all building materials that show evidence of rot or other deterioration.
  - b. Repair all walls, windows, ceilings, floors and floor coverings so that they are free of cracks, holes, loose or lifted coverings, and in condition that is capable of being cleaned.
  - c. Repair washroom walls and floors to ensure they are constructed of smooth surfaces that are impervious to moisture and easy to clean.
  - d. Repair floors of food preparation and cooking rooms to ensure they are constructed of materials that do not encourage the harbourage of dirt, grease, vermin, bacteria, and in condition that is capable of being cleaned.
  - e. Ensure that the plumbing system and sanitary drainage system is maintained in proper operating condition.
  - f. Ensure kitchen sink, stove, and refrigeration unit are installed in food preparation area.
  - g. Ensure smoke alarms are installed and operational.
  - h. Ensure you install in the bedroom one outside window which may be opened from inside without the use of tools or special knowledge that provides unobstructed openings with areas not less than 0.35 m<sup>2</sup> (3.8 ft<sup>2</sup>), with no dimension less than 380 mm (15") or a door that provided access directly to the exterior.
  - i. Remove the improperly installed shower and properly install a washbasin and bathtub or shower as per applicable building code requirements.

3. Prior to reoccupying the space, a structural assessment must be conducted by a professional structural engineer or a qualified Safety Codes Officer (Building Discipline) and a fire safety inspection must be conducted by a qualified fire safety inspector. The results of the assessment referred to above must be provided in writing to this office.

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 High Level, Alberta, on July 9, 2013

Confirmation of an oral order issued to Delores Auger and Virgeline Danais , at July 8, 2013

### **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, AB T5J 1S6  
Phone: 780-427-2813  
Fax: 780-422-0914  
E-mail: [health.appealboard@gov.ab.ca](mailto:health.appealboard@gov.ab.ca)

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](http://www.qp.gov.ab.ca).*

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*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](http://www.health.alberta.ca/about/health-legislation.html)*

**Copy John Ruane**