

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

To: Tammy Ann Glendine Graf
And to Edwin Jules Graf
"the Owners"

And To: All Occupants of the following Housing premises

RE: Those housing premises located in Westlock, Alberta and municipally described as:
10216 107 Street.

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. The main breaker panel is missing the cover, exposing live wires.
- b. Electrical outlets are not secured to the electrical boxes, exposing live wires.
- c. Outlet covers and light switch covers are missing throughout the house.
- d. Hot and cold running potable water is not available.
- e. The premises does not have a kitchen with hot and cold running potable water, sinks, adequate countertop, refrigerator, or cupboards for food storage. There is no dedicated kitchen space in the house.
- f. Most of the drywall on the walls and ceilings has been removed on the main floor (kitchen, living room, and bedrooms), exposing the framing of the house.
- g. Most of the interior walls and ceilings on the main floor do not have insulation and vapor barrier.
- h. At the time of inspection the outdoor temperature is measured to be 1°C. The interior of the premises is measured to be 1°C. The upstairs bedroom which is being heated by a space heater is measured to be 13°C. The downstairs bedroom space which is being heated by a diesel heater is measured to be 12°C.
- i. The central furnace is not operational.
- j. Temporary heating appliances such as the electric heater in the upstairs bedroom and the diesel heater in the downstairs bedroom are the primary heating sources for the occupants of the house.
- k. The diesel heater used in the downstairs basement vents combustion gases directly outside the bedroom door into the basement.
- l. The basement bedroom does not have a window as required for emergency egress.
- m. The upstairs bedroom window is blocked by a shelf, preventing emergency egress.
- n. A smoke alarm is not present outside the upstairs bedroom.
- o. The downstairs bedroom is not equipped with natural or mechanical ventilation.

- p. The shed in the back yard has a person living there. This shed is not designed as a habitable space. The shed has unfinished floors, walls, and ceiling. The shed has no plumbing, kitchen, permanent heating appliance, washroom facility, properly installed electrical service, or smoke alarm.

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. The main breaker panel is missing the cover, exposing live wires, which is in contravention of section 11 of the Minimum Housing and Health Standards which states “Every housing premises shall be supplied with electrical service. Outlets, switches and fixtures shall be properly installed and shall be maintained in a good and safe working condition”.
- b. Electrical outlets are not secured to the electrical boxes, exposing live wires, which is in contravention of section 11 of the Minimum Housing and Health Standards which states “Every housing premises shall be supplied with electrical service. Outlets, switches and fixtures shall be properly installed and shall be maintained in a good and safe working condition”.
- c. Outlet covers and light switch covers are missing throughout the house, which is in contravention of section 11 of the Minimum Housing and Health Standards which states “Every housing premises shall be supplied with electrical service. Outlets, switches and fixtures shall be properly installed and shall be maintained in a good and safe working condition”.
- d. Hot and cold running potable water is not available in the premises, which is in contravention of section 9 of the Minimum Housing and Health Standards which states “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”, section 7 (a) of the Minimum Housing and Health Standards which states “The washbasins and bathtub or shower shall be supplied with potable hot and cold running water”, and section 14(a)(i) of the Minimum Housing and Health Standards which states “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”.
- e. The premises does not have a kitchen with running potable water, sinks, adequate countertop, refrigerator, or cupboards for food storage. There is no dedicated kitchen space in the house, which is in contravention of section 14(a) of the Minimum Housing and Health Standards which states “ Every housing premises shall be provided with a food preparation area, which includes: (i) 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 (ii) cupboards or other facilities suitable for the storage of food; and (iii) a counter or table used for food preparation which shall be of sound construction and furnished with surfaces that are easily cleaned; and (iv) a stove and a refrigerator that are maintained in a safe and proper operating condition. The refrigerator shall be capable of maintaining a temperature of 4 degrees C. (40F).”

- f. Most of the drywall on the walls and ceilings has been removed on the main floor (kitchen, living room, and bedrooms), exposing the framing of the house, which is in contravention of section 5 of the Minimum Housing and Health Standards which states “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 5b of the Minimum Housing and Health Standards which states “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.”
- g. Most of the interior walls and ceilings on the main floor do not have insulation and vapor barrier, which is in contravention of section 3(1)(a)(iv) of the Housing Regulation, 2001 which states “an owner shall ensure that the housing premises are maintained in a waterproof, windproof and weatherproof condition.”
- h. During the inspection the outdoor temperature is measured to be 1°C. The interior of the premises is measured to be 1°C. The upstairs bedroom which is being heated by a space heater is measured to be 13°C. The downstairs bedroom space which is being heated by a diesel heater is measured to be 12°C, which is in contravention of section 8(a) of the Minimum Housing and Health Standards which states “All heating facilities within a housing premises are to be properly installed and maintained in good working condition, and be capable of safely and adequately heating all habitable rooms, bathrooms, and toilet rooms within the building to a temperature of (i) at least 22 C(71 F).”
- i. The central furnace is not operational, which is in contravention of section 8(a) of the Minimum Housing and Health Standards which states “All heating facilities within a housing premises are to be properly installed and maintained in good working condition, and be capable of safely and adequately heating all habitable rooms, bathrooms, and toilet rooms within the building to a temperature of (i) at least 22C(71F), or (ii) maintained at a temperature of at least 22C(71F) when the control of the supplied heat in a dwelling is the responsibility of a person other than the occupant”.
- j. Temporary heating appliances such as the electric heater in the upstairs bedroom and the diesel heater in the downstairs bedroom are the primary heating sources for the occupants of the house, which is in contravention of section 8(c) of the Minimum Housing and Health Standards which states “Cooking appliances and portable space heaters shall not be used as the primary source for the required heat to a habitable room”.
- k. The diesel heater used in the downstairs basement vents combustion gases directly outside the bedroom door into the open basement, which is in contravention section 5(2) of the Housing Regulation, 2001 which states “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”.
- l. The basement bedroom does not have a window in the room, which is in contravention of section 3(b)(i) of the Minimum Housing and Health Standards which states “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”, and section

3(b)(ii) which states “Windows referred to in section 3(b)(i) shall provide unobstructed openings with areas not less than 0.35 m² (3.8ft²), with no dimension less than 380 mm (15”)”.

- m. The upstairs bedroom window is blocked by a shelf, preventing egress from the window in case of an emergency, which is in contravention of section 3(b)(i) of the Minimum Housing and Health Standards which states “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”, and section 3(b) (ii) which states “Windows referred to in section 3(b)(i) shall provide unobstructed openings with areas not less than 0.35 m² (3.8ft²), with no dimension less than 380 mm (15”)”.
- n. A smoke alarm is not present outside the upstairs bedroom, which is in contravention of section 12 of the Minimum Housing and Health Standards which states “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.”
- o. The downstairs bedroom is not equipped with natural or mechanical ventilation, which is in contravention of section 4(i) of the Minimum Housing and Health Standards which states “All rooms used for sleeping shall be provided with: an openable window area of 0.28m² (3.0ft²); or mechanical ventilation in conformance with the requirements of the Alberta Building Code”.
- p. The shed in the back yard has a person living there. This shed is not designed as a habitable space. The shed has unfinished floors, walls, and ceiling. The shed has no plumbing, kitchen, permanent heating appliance, washroom facility, properly installed electrical service, or smoke alarm, which is in contravention of section 5(2) of the Housing Regulation, 2001 which states “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”, and is in contravention of sections 5 (finishes of floors walls and ceiling), 6 and 9 (plumbing and potable water supply), 14 (food preparation facilities), 8(a)(c) and (d) (heating facilities), 7 (washroom facilities), 11 (electrical service) and 12 (smoke alarms) of the Minimum Housing and Health Standards.

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 April 12, 2024
2. That the Owners immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Install a cover on the breaker panel and ensure all wires of connected properly.
 - b. Secure the electrical outlets to the electrical boxes.
 - c. Install missing outlet and light switch covers.

- d. Provide hot and cold running potable water to the premises fixtures.
 - e. Install a kitchen with hot and cold potable water, sink, refrigerator, stove, countertop and cupboards.
 - f. Install walls and ceilings that have surfaces that can be cleaned.
 - g. Install insulation and vapour barrier on the exterior walls and in the attic.
 - h. Ensure the central heating furnace is operational and can maintain a temperature of at least 22°C in the premises.
 - i. Do not use temporary heating systems as a primary heat source.
 - j. Exhaust all combustion air exhaust to the outside of the premises.
 - k. Install an egress window in the basement sleeping area or ensure that this area is not used for sleeping purposes.
 - l. Move the shelving unit away from the window to allow for emergency egress.
 - m. Install a smoke alarm outside the sleeping areas.
 - n. Ensure an openable window or mechanical ventilation is available for ventilation in all sleeping areas.
 - o. Prevent occupancy of the shed for accommodation as it is not a habitable space.
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 Barrhead Alberta, April 12, 2024

Executive Officer
Alberta Health Services

Cc: Town of Westlock

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 King's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or <https://www.alberta.ca/alberta-kings-printer.aspx>.

Health Legislation and regulations are available for purchase. Please contact Alberta King's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or <https://www.alberta.ca/alberta-kings-printer.aspx>.

Copies of standards are available by visiting: <https://www.alberta.ca/health-standards-and-guidelines.aspx>

Barrhead • Barrhead Community Health Services • Environmental Public Health

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