

**ORDER OF AN EXECUTIVE OFFICER
CLOSED FOR TENANT ACCOMMODATION PURPOSES
ORDER TO VACATE**

To: Donna Crocker
Melvin Crocker
"the Owners"

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

RE: Those housing premises located in Bonnyville, Alberta and municipally described as:
4801 66 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. There was no potable running water in the building;
- b. Smoke alarms were either missing or not in proper working condition;
- c. Evidence of sewage backup was noted on the basement floor and damaged building materials were noted in the area of the back-up;
- d. The plumbing system was in disrepair;
- e. There was extreme garbage and clutter buildup throughout interior and exterior of the premises;
- f. The openable areas of the windows in bedrooms accessed did not meet the minimum requirement for emergency egress. Other bedroom windows viewed from the exterior appeared to be similar to the windows measured and would not meet emergency egress. The egress windows in multiple units were boarded up;
- g. There were numerous broken windows throughout the premises;
- h. Space heaters were being used to heat portions of the building;
- i. Ceiling light fixtures had exposed wiring and were not properly installed;
- j. Electrical deficiencies were noted throughout the premises. Extension cords were observed throughout premises, including areas where flooding and water pooling issues were identified;
- k. Feces, urine in bottles, broken glass, needles, screws and nails noted in main hallways and throughout the premises;
- l. Exterior windows and doors were not capable of being secured;
- m. Exterior doors and windows were not maintained in a windproof, weatherproof, and waterproof condition;
- n. Degraded structural support beam noted in the basement;
- o. Evidence of ceiling collapse noted in the front entrance to the building;
- p. The finishes were in disrepair throughout the building including: walls, windows, ceilings, floors and floor coverings, and the kitchen counter;

- q. There was no refrigerator in the shared kitchen space;
- r. The shared kitchen space was being shared by more than 8 people;
- s. The lighting in the common areas was insufficient.

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. There was no potable running water in the building. This is in contravention of section IV(8)(d) of the Minimum Housing and Health Standards which states: "Every owner must ensure a continuous supply of electricity, water and heat unless the rental agreement stipulates that such utility services are the sole responsibility of the occupant."
- b. Smoke alarms were either missing or not in proper working condition. This is in contravention of section IV(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. (a) Smoke alarms shall be operational and in good repair at all times."
- c. Evidence of sewage backup was noted on the basement floor and damaged building materials were noted in the area of the back-up. This is in contravention of section IV(6) of the Minimum Housing and Health Standards which states: "Every housing premises shall be connected to the public sewage system, or to an approved private sewage disposal system. (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. (b) Adequate water volume and pressure shall be provided to ensure the proper operation and flushing of all fixtures. (c) All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside."
- d. The plumbing system was in disrepair. This is in contravention of section IV(6) of the Minimum Housing and Health Standards which states: "Every housing premises shall be connected to the public sewage system, or to an approved private sewage disposal system. (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. (b) Adequate water volume and pressure shall be provided to ensure the proper operation and flushing of all fixtures. (c) All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside."
- e. There was extreme garbage and clutter buildup throughout interior and exterior of the premises. This is in contravention of section 5(2) of the Housing Regulation 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 section 2(1) of the Nuisance and General Sanitation Regulation which states: "No person shall create, commit, or maintain a nuisance."
- f. The openable areas of the windows in bedrooms accessed did not meet the minimum requirement for emergency egress. Other bedroom windows viewed from the exterior appeared to be similar to the windows measured and would not meet emergency egress.

The egress windows in multiple units were boarded up. This is in contravention of section III(b) of the Minimum Housing and Health Standards which states: "(i) 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. (ii) 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"). (iii) If the window referred in section 3(b)(i) is provided with security bars, the security bars shall be installed so they may be opened from the inside without the use of any tools or special knowledge. (iv) Notwithstanding section 3(b)(i), (ii) and (iii), alternate provisions for emergency egress may be approved by an executive officer where, after consultation with a safety codes officer, the executive officer is satisfied that the alternate provisions provide for means of emergency egress."

- g. There were numerous broken windows throughout the premises. This is in contravention of section III(2)(b) of the Minimum Housing and Health Standards which states: "(i) All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof. (ii) 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. (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."
- h. Space heaters were being used to heat portions of the building. This is in contravention of section IV(8) of the Minimum Housing and Health Standards which states: "(a) 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 220C(710F), or (i) maintained at a temperature of at least 220C(710F) when the control of the supplied heat in a dwelling is the responsibility of a person other than the occupant. (b) When the outside temperature is colder than the winter design temperature as referenced in the Alberta Building Code(97) Section 2.2.1.1 and Appendix C, then the Executive Officer may permit an indoor temperature of less than 220C(710F) but greater than 160C (600F). (c) Cooking appliances and portable space heaters shall not be used as the primary source for the required heat to a habitable room. (d) Every owner must ensure a continuous supply of electricity, water and heat unless the rental agreement stipulates that such utility services are the sole responsibility of the occupant."
- i. Ceiling light fixtures had exposed wiring and were not properly installed. This is in contravention of section IV(11) of the Minimum Housing and Health Standards which states that: "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."
- j. Electrical deficiencies were noted throughout the premises. Extension cords were observed throughout premises, including areas where flooding and water pooling issues were identified. This is in contravention of section IV(11) of the Minimum Housing and Health Standards which states that: "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."
- k. Feces, urine in bottles, broken glass, needles, screws and nails noted in main hallways and throughout the premises. This is in contravention of section 5(2) of the Housing

Regulation 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 section 2(1) of the Nuisance and General Sanitation Regulation which states: “No person shall create, commit, or maintain a nuisance.”

- i. Exterior windows and doors were not capable of being secured. This is in contravention of section III(a) of the Minimum Housing and Health Standards which states: “Exterior windows and doors shall be capable of being secured.”
- m. Exterior doors and windows were not maintained in a windproof, weatherproof, and waterproof condition. This is in contravention of section III(2)(b) of the Minimum Housing and Health Standards which states: “(i) All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof. (ii) 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. Degraded structural support beam noted in the basement. This is in contravention of section III(1) of the Minimum Housing and Health Standards which states: “(a) The housing premises shall be structurally sound. (b) Basements, cellars or crawl spaces shall be structurally sound, maintained in good repair and free from water infiltration and accumulation. (c) Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced. (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).”
- o. Evidence of ceiling collapse noted in the front entrance to the building. This is in contravention of section III(1) of the Minimum Housing and Health Standards which states: “(a) The housing premises shall be structurally sound. (b) Basements, cellars or crawl spaces shall be structurally sound, maintained in good repair and free from water infiltration and accumulation. (c) Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced. (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).”
- p. The finishes were in disrepair throughout the building including: walls, windows, ceilings, floors and floor coverings, and the kitchen counter. This is in contravention of section III(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. (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. (b) 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.”
- q. There was no refrigerator in the shared kitchen space. This is in contravention of the Minimum Housing and Health Standards section 14(a)(i)(ii)(iii)(iv) which states: “Every housing premises shall be provided with a food preparation area, which includes: 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 cupboards or

other facilities suitable for the storage of food; and a counter or table used for food preparation which shall be of sound construction and furnished with surfaces that are easily cleaned; and 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. (400F).”

- r. The shared kitchen space was being shared by more than 8 people. This is in contravention of the Minimum Housing and Health Standards section 14(b)(iv) which states: “The food preparation facilities shall not serve more than eight persons.”
- s. The lighting in the common areas was insufficient. This is in contravention of the Minimum Housing and Health Standards section 13 which states: “Every public hallway and stairway in a housing premises with multiple dwellings shall be adequately lighted by natural or artificial light at all times, providing in all parts thereof at least 50 lux of light at each tread or floor level.”

AND WHEREAS, by virtue of the foregoing, the above noted premises are hereby declared to be **Closed for Tenant Accommodation Purposes**.

NOW THEREFORE, I hereby **ORDER** and **DIRECT**:

1. That the occupants vacate the above noted premises on or before **February 22, 2022**.
2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Restore the water utilities in the building. Ensure that there is a continuous supply of potable water;
 - b. Install smoke alarms in the hallway outside the bedrooms. 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. Smoke alarms shall be operational and in good repair at all times;
 - c. Clean and sanitize the flooring and other areas affected by the sewage back up on the basement;
 - d. Retain a qualified plumbing professional to inspect the plumbing and sanitary system, and make any necessary repairs so that the plumbing and sanitary system are in good repair; address the cause of the sewage back up in the basement. Provide documentation to this office;
 - e. Ensure that common areas, such as hallways, stairways, and landings, are maintained in a clean and sanitary condition;
 - f. Ensure that all rooms used for sleeping have at least on outside window that: can be opened from the inside without the use of tools or special knowledge; has an unobstructed opening with an area of not less than 0.35 m² (3.8ft²), with no dimension less than 380 mm (15”) and can remain in an open position without assistance;
 - g. Repair or replace any windows that are in disrepair. Ensure that all windows are: maintained in good repair, free of cracks and weatherproof; are double glazed or are provided with a storm sash; and are capable of being secured;
 - h. Ensure that the heating source is capable of properly maintaining all habitable rooms at 22C;

- i. Retain a qualified professional to ensure that the building's electrical service is in good repair. Outlets, switches, and fixtures are to be properly installed and maintained in a good and safe working condition. Provide documentation to this office;
 - j. Ensure that all exterior windows and doors, are capable of being secured;
 - k. Repair or replace all windows and doors that are in disrepair so that all windows are in good repair, free of cracks, and weatherproof;
 - l. Ensure that the degraded structural support beam in the basement is repaired or replaced in a manner that meets the requirements of a professional structural engineer or a Safety Codes Officer (Building Discipline). Provide documentation to this office;
 - m. Ensure that all building materials that have been damaged or show evidence of rot or other deterioration are repaired or replaced;
 - n. Ensure that all finishes are in good repair, free of cracks, holes, loose or lifting coverings and in a condition that renders them easy to clean;
 - o. Ensure that stoves and refrigerators are present and maintained in safe and proper operating condition;
 - p. Ensure that shared kitchen spaces are shared by no more than 8 people;
 - q. Ensure that the hallways and stairways have adequate lighting.
3. Ensure that the building is adequately secured so that it remains vacant and secure from unauthorized entry after February 22, 2022.
 4. 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 closed for tenant accommodation purposes.

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 Bonnyville, Alberta, February 7, 2022.
Confirmation of a verbal order issued to Donna and Melvin Crocker on February 3, 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 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.

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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