

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

To: Anne Ferguson and Billy Joe Kraberger
"the Owners"

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

RE: Those housing premises located in Grimshaw, Alberta and municipally described as:
4911 53 Avenue.

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 are breakers installed in the basement that do not appear to meet code. Several electrical outlets are exposed on the main level and the basement. Several electrical sockets are not functioning properly.
- b. A portable space heater is used for heat in the bedroom. The heating vent is not connected to the register in the bedroom.
- c. One bedroom does not have any openable windows, sprinklers or alternative exits. The second bedroom window is an acceptable size, but does not open properly.
- d. The window in the back entrance is not able to be secured.
- e. There is a railing missing on the front exterior stairs.
- f. There are no functioning smoke alarms.
- g. There appears to be a large number of patches to the floor boards that correspond to 'soft' spots on the main floor. Beams are in disrepair. There appears to be water damage and/or rot present on several floor boards and beams.
- h. There is no ventilation for the bathroom, there is no fan and the window does not open.
- i. There are several single pane windows, some of the windows have missing panes of glass. Most windows do not have effective window screens. Most of the windows are frozen shut.

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 are breakers installed in the basement that do not appear to meet code. Several electrical outlets are exposed on the main level and the basement. Several electrical sockets are not functioning properly which is in contravention of Section 11 of the Alberta 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.

- b. A portable space heater is used for heat in the bedroom. The heating vent is not connected to the register in the bedroom which is in contravention of Section 8 (a) and (c) of the Alberta Minimum Housing and Health Standards which states that 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 at least 22°C(71°F), or maintained at a temperature of at least 22°C(71°F) when the control of the supplied heat in a dwelling is the responsibility of a person other than the occupant. Cooking appliances and portable space heaters shall not be used as the primary source for the required heat to a habitable room.
- c. One bedroom does not have any openable windows, sprinklers or alternative exits. The second bedroom window is an acceptable size, but does not open properly which is in contravention of Section 3 (b) (i) of the Alberta 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.
- d. The window in the back entrance is not able to be secured which is in contravention of Section 3 (a) of the Alberta Minimum Housing and Health Standards which states that exterior windows and doors shall be capable of being secured.
- e. There is a railing missing on the front exterior stairs which is in contravention of Section 3 (c) (i) of the Alberta Minimum Housing and Health Standards which states that inside or outside stairs or porches including all treads, risers, supporting structural members, handrails, 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. There are no functioning smoke alarms which is in contravention of Section 12 of the Alberta 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) Smoke alarms shall be operational and in good repair at all times.
- g. There appears to be a large number of patches to the floor boards that correspond to 'soft' spots on the main floor. Beams are in disrepair. There appears to be water damage and/or rot present on several floor boards and beams which is in contravention of Section 1 (a-d) of the Alberta Minimum Housing and Health Standards which states that the housing premises shall be structurally sound. Basements, cellars or crawl spaces shall be structurally sound, maintained in good repair and free from water infiltration and accumulation. Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced. 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).
- h. There is no ventilation for the bathroom, there is no fan and the window does not open which is in contravention of Section 7(c) of the Alberta 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.
- i. There are several single pane windows, some of the windows have missing panes of glass. Most windows do not have effective window screens. Most of the windows are frozen shut which is in contravention of Section 2.(b)(I and ii) of the Alberta 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. (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.

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 January 1, 2022.
2. That the Owners immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. 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. Have the electrical system inspected by a qualified Electrician and submit a report that outlines that the system is safe.
 - b. The heating system must be able to maintain adequate temperatures in all habitable rooms. Have the heating system inspected by a qualified technician and submit a report that outlines that the system is safe and working properly.
 - c. All bedrooms must have at least one openable window provide unobstructed openings with areas not less than 0.35 m² (3.8ft²), with no dimension less than 380 mm (15").
 - d. Ensure all windows in the home are capable of being properly secured.
 - e. Ensure that the all sets of stairs leading to dwelling are equipped with handrails and guards in accordance with the Alberta Building Code or a Professional Engineer design.
 - f. Install functioning smoke alarms 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.
 - g. Remove all water damaged materials. Ensure repairs are completed to maintain the structural integrity of the building. A report from a professional structural engineer or a Safety Codes Officer (Building Discipline) must be submitted to the Executive Officer.
 - h. Install a fan in the bathroom or ensure the window can open throughout the year.
 - i. Install double pane windows or acceptable storm sashes on all windows, Other durable thermal/air resistant barrier as may be approved by the Executive Officer. Insect screens must be installed on the windows.
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 Peace River, Alberta, December 8, 2021

Confirmation of a verbal order issued to Anne Ferguson on December 7, 2021.

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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