

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

To: Lena Godberson,
“the Owner”
And
David Julius Godberson
“the Owner”
And
Dave Godberson
“the Owner”

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

RE: Those housing premises located in Clear Hills County, Alberta and municipally described as: 835011 Highway 64

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 house temperature was too low (11 °C) even though both the furnace and the woodstove were being used.
- b. Leaking pipe from the toilet is causing sewage to leak into the basement near the washing machine.
- c. The drain under the kitchen sink is leaking.
- d. The bedroom windows are frozen shut and cannot be opened.
- e. The toilet seat is broken and the bathtub is damaged.
- f. The window in the washroom is frozen shut and there is no mechanical ventilation.
- g. Windows and doors are allowing cold air in and are covered in ice on the interior.
- h. There is ice build up in the bedrooms baseboards adjacent to the exterior walls. Mould appears to have started growing in these areas.
- i. Woodstove door latch is broken and the door does not stay closed after wood is added.
- j. Kitchen sink counter has lifting covering and damaged edges.
- k. Cracks in the ceiling in the kitchen.
- l. There is a hole in the wall in the bedroom.
- m. Electrical switch on the furnace and the entrance door switch are missing cover plates.

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 house temperature was too low (11 °C) even though both the furnace and the woodstove were being used. This condition is in contravention of section IV (8)(a)(i) of the Minimum Housing and Health Standards which states that: “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)”
- b. Leaking pipe from the toilet is causing sewage to leak into the basement near the washing machine. This condition is in contravention of Section 6(a,c) of the Minimum Housing and Health Standards which states “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, pump out sewage holding tanks, septic tanks and the disposal system shall be maintained in a proper operating condition. (c) All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.”
- c. The drain under the kitchen sink is leaking. This condition is in contravention of Section 6(a,c) of the Minimum Housing and Health Standards which states “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, pump out sewage holding tanks, septic tanks and the disposal system shall be maintained in a proper operating condition. (c) All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.”
- d. The bedroom windows are frozen shut and cannot be opened. This 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.
- e. The toilet seat is broken and the bathtub is damaged. This is in contravention of Section 3(2) the Housing Regulation (AR 173/1999) which states “An owner shall ensure that the housing premises’ plumbing system and facilities provided under subsection (1)(b) are free from defects and maintained in proper operating condition.”
- f. The window in the washroom is frozen shut and there is no mechanical ventilation. This condition 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.”
- g. Windows and doors are allowing cold air in and are covered in ice on the interior. This is contravention of Section 3(1)(a) (iv) of the Housing Regulation (AR 173/1999) which states that: “an owner shall ensure that the housing premises are maintained in waterproof, windproof and weatherproof condition.”
- h. There is ice build up in the bedrooms baseboards adjacent to the exterior walls. Mould appears to have started growing in these areas. This is contravention of Section 3(1)(a) (iii and iv) of the Housing Regulation (AR 173/1999) which states that: “an owner shall ensure that the housing premises are maintained in good repair and in waterproof, windproof and weatherproof condition.”
- i. Woodstove door latch is broken and the door does not stay closed after wood is added. This condition is in contravention of Section 5(2) of The Housing Regulation (AR 173/1999) which states that: “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.”

- j. Kitchen sink counter has lifting covering and damaged edges. This condition is in contravention of Section 14(a)(iii) of the Minimum Housing and Health Standards which states that: “housing premises shall be provided with a food preparation area, which includes a counter or table used for food preparation which shall be of sound construction and furnished with surfaces that are easily cleaned.”
- k. Cracks in the ceiling in the kitchen. This condition is in contravention 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.”
- l. There is a hole in the wall in the bedroom. This condition is in contravention 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.”
- m. Electrical switch on the furnace and the entrance door switch are missing cover plates. This condition is in contravention of section IV (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.”

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 11, 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. The heating system must be repaired or replaced so that it is able to maintain adequate temperature of at least 22 °C in all habitable rooms and the washroom.
 - b. The plumbing system must be repaired so that there are no leaks and damaged fixtures must be repaired or replaced.
 - c. Emergency egress bedroom windows must be repaired or replaced so that they are easily openable in an emergency in all weather.
 - d. Install a fan in the bathroom or ensure the window can open throughout the year.
 - e. Provide adequate insulation in the exterior walls and ensure all windows and doors are maintained in good repair, free of cracks and weatherproof.
 - f. All water damaged and mouldy materials must be removed and replaced.
 - g. The woodstove must be repaired or replaced or alternative suitable heating provided for this part of the home.
 - h. Ensure all walls and ceilings are in good repair and free of cracks, holes, loose or lifting coverings and in a condition that renders them easy to clean.
 - i. Electrical switches must be provided with cover plates.
- 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, January 11, 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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