

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

To: Robert MacKay
"the Owner"

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

RE: Those housing premises located in High Level, Alberta and municipally described as:
9811 103 Street, High Level, Alberta T0H 1Z0.

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:

1. The middle sleeping room window was boarded up. Emergency egress is therefore not possible from this window and possibly other windows.
2. There were no functional smoke alarms noted within this entire dwelling. One smoke alarm was found without a battery in the kitchen. There did not appear to be any functional smoke alarms situated between all sleeping rooms.
3. Some doors and windows were not in good repair and/or did not contain a suitable security device.
4. The east side sleeping room window was cracked and is not safe to egress from - should emergency egress be necessary.
5. Portions of this dwelling contained rot or damaged building materials. The structural stability of portions of this dwelling were questionable. The front porch, steps, and railing / handrail were not in good repair.
6. The middle bedroom window was boarded up and thus did not contain any ventilation.
7. Various walls, floors, ceilings, doors, and windows were not in good repair / weatherproof and thus require retrofit.
8. Some light / electrical fixtures were not properly functional / in good repair.
9. Some windows within this dwelling did not contain mesh screens to ensure pests were not easily capable of entering.

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:

1. The middle sleeping room window was boarded up. Emergency egress is therefore not possible from this window and possibly other windows. Section 3(b)(i)(ii)(iv) of the Alberta Minimum Housing and Health Standards 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. 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”).* 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.”
2. There were no functional smoke alarms noted within this entire dwelling. One smoke alarm was found without a battery in the kitchen. There did not appear to be any functional smoke alarms situated between all sleeping rooms. Section 12(a) of the Alberta Minimum Housing and Health Standards 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. Smoke alarms shall be operational and in good repair at all times.”*
3. Some doors and windows were not in good repair and/or did not contain a suitable security device. Section 2(b)(i) of the Alberta Minimum Housing and Health Standards states: *“All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof. Section 3(a) of the Alberta Minimum Housing and Health Standards states: “exterior windows and doors shall be capable of being secured.”*
4. The east side sleeping room window was cracked and is not safe for egress - should emergency egress be necessary. Section 2 (b)(i) of the Alberta Minimum Housing and Health Standards states: *“All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof.”*
5. Portions of this dwelling contained rot or damaged building materials. The structural stability of portions of this dwelling were questionable. The front porch, steps, and railing / handrail were not in good repair. Section 1(a)(b)(c)(d) of the Alberta Minimum Housing and Health Standards states: *“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).”* Section 3(c)(i)(ii) of the Alberta Minimum Housing and Health Standards states: *“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. Notwithstanding section 3(c)(i), alternate provisions respecting handrails 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 a reasonable degree of safety.”*
6. The middle bedroom window was boarded up and thus did not contain any ventilation. Section 4(i)(a)(b)(ii) states: *“All rooms used for sleeping shall be provided with: (a) an openable window area of 0.28m² (3.0ft²); or (b) mechanical ventilation in conformance with the requirements of the Alberta Building Code. Notwithstanding section 4(i), an alternate means of ventilation 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 a means of ventilation.”*

7. Various walls, floors, ceilings, doors, and windows were not in good repair / weatherproof and thus require retrofit. Section 2(a)(b)(i) of the Alberta Minimum Housing and Health Standards
8. states: “the roof and exterior cladding of walls shall be maintained in a waterproof, windproof and weatherproof condition. All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof.” Section 5 of the Alberta Minimum Housing and Health Standards 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.*”
9. Some light / electrical fixtures were not properly functional / in good repair. Section 11 of the Alberta Minimum Housing and Health Standards 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.*”
10. Some windows within this dwelling did not contain mesh screens to ensure pests were not easily capable of entering. Section 2(b)(iii) of the Alberta Minimum Housing and Health Standards states: “*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 **Closed for Tenant Accommodation Purposes**.

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

1. That the occupants vacate the above noted premises on or before **11:59 PM on September 8, 2023.**
2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:

Ensure:

- a. All sleeping room windows:
 - a. Are not obstructed in any way – either interior or exterior to each window.
 - b. Meet or exceed the minimum dimensions for safe emergency egress
 - c. Do not contain any special tools or knowledge in order for each window to open.
 - b. One or more functional smoke alarms are installed in the hallway between all sleeping rooms.
 - c. Necessary repairs to all applicable walls, floors, ceilings, windows, and doors are made to ensure all materials are in good repair, free of cracks, weatherproof, and are easy to clean.
 - d. All doors and windows (leading to the exterior of this dwelling) contain a suitable security device.
 - e. All building materials are of good quality and are in good repair throughout this entire dwelling.
 - f. All portions of this entire dwelling (both interior and exterior) are structurally sound.
 - g. All windows / doors (meant for ventilation purposes) are openable and are properly screened (during seasonal conditions) to help prevent the entry of pests.
 - h. All walls, windows, and doors are properly installed / insulated to ensure they are considered weatherproof.
 - i. All light / electrical fixtures are properly functional and are in good repair.
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 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 Grande Prairie, Alberta, September 8, 2023.

Confirmation of a verbal order issued to Robert Mackay on September 8, 2023.

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 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>

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Copy Alberta Health Services

Grande Prairie • Public Health Centre • Environmental Public Health

10320 99 Street, Grande Prairie, Alberta, Canada T8V 6J4

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

Order of an Executive Officer – Unfit for Human Habitation - Order to Vacate

RE: The premises located in High Level, Alberta and municipally described as: 9811 103 Street, High Level, Alberta T0H 1Z0

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