

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

To: John Davies
Colin Davies
"the owners"

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

RE: Those housing premises located in Medicine Hat, Alberta and municipally described as:
1250 Bridge Street SE

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. Flood water has accumulated in the basement which can compromise the foundation and structure of premises.
- b. Flood water that is still inside the premises can contain sewage, debris, chemicals, soil, oil, or other pollutants which can cause strong offensive odours, corroding or rotting of materials, and physical hazards.
- c. The gas furnace and water heater have been submerged under flood water which can pose serious fire and health risks.
- d. The electricity and natural gas have been turned off, hence there are no essential services such as power, heat and hot water provided at the premises.
- e. The floors, walls, ductwork, and other surfaces throughout the premises are grossly contaminated from flood water. High moisture levels inside the premises create ideal conditions for mould growth on building materials.

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. Housing Regulation, Alberta Regulation 173/99
The natural gas has been turned off and the water heater has been submerged by flood water which is in contravention of section 3(1)(b)(iii) which states: an owner shall ensure that the occupants of the housing premises are supplied with adequate running hot and cold water that is safe for human consumption.

b. Housing Regulation, Alberta Regulation 173/99 s.4

The basement has been infiltrated with flood water which is in contravention of section III(1)(a,b) of the Minimum Housing and Health Standards which states that: the housing premises shall be structurally sound, and; basements, cellars or crawl spaces shall be structurally sound, and maintained in good repair and free from water infiltration and accumulation.

The water heater has been submerged in flood water which is in contravention of section IV(9) of the Minimum Housing and Health Standards which states that: Every building used in whole or in part, as housing premises shall be supplied with a potable water supply of sufficient volume, pressure and temperature to serve the needs of the inhabitants and section IV(9)(a) of the Minimum Housing and Health Standards which states that: All hot running water shall be maintained at a temperature of not less than 46 degrees C (114°F), and not more than 60 degrees C (140°F) measured at the plumbing fixture.

The gas furnace has been submerged in flood water which 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), 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.

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 June 29, 2013
2. That, if the above noted premises are to be reoccupied, the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Home cleaning and mould removal shall be conducted following the guidelines by Alberta Health Services outlining the safety precautions and proper procedures for cleaning the house after the flood and preventing and removing mould growth.
 - b. Gas furnace and water heater that have been submerged in flood water shall be maintained in a good and safe working condition. Any and all corrections or modifications of any heating and venting system of said place shall be made under the supervision of a Safety Codes Officer in the heating / gas utilities discipline.
 - c. Foundation and other structural elements that have been exposed to flood water shall be maintained in good repair and free from water infiltration and accumulation. Any and all corrections or modifications of any structural element of said place shall be made under the supervision of a Safety Codes Officer in the building discipline.

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 Medicine Hat, Alberta, June 29, 2013

Confirmation of a verbal order issued on June 29, 2013.



Mark Albiez, BSc, BEH(AD), CPHI(C)
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 within ten (10) days after receiving the order to the Public Health Appeal Board located at Reception, Main Floor, Telus Plaza, 10025 Jasper Avenue, Edmonton, Alberta, T5J 1S6, Telephone 780-427-2813 Fax 780-422-0914.

The terms of this Order remain in effect notwithstanding the filing or proposed filing of any such appeal. If you appeal, you may also make an application to the Board for a stay of this Order pending the appeal.

A copy of the Public Health Appeal form may be obtained by contacting Alberta Health Services at 780-342-0122 or the Public Health Appeal Board 780-427-2813.

You are advised that all orders remain in effect pending such an appeal

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.

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Copies of standards are available by contacting the Health Protection Branch of Alberta Health at 780-427-4518, or by visiting: www.health.alberta.ca/about/health-legislation.html

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

RE: The premises located in Medicine Hat, Alberta and municipally described as: 1250 Bridge Street SE

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www.albertahealthservices.ca/eph.asp