

## ORDER OF AN EXECUTIVE OFFICER UNFIT FOR HUMAN HABITATION

**To:** Man Young Kim & James Lee & Rouvina Lee  
Chad Harley  
Western Explorer Co. Ltd.  
And all owners and managers

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

**RE:** Suite #137, 202 5 Street South, Lethbridge, Alberta

**WHEREAS** I, an **Executive Officer** of **Alberta Health Services**, have inspected the above 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 the prevention or suppression of disease, namely:

- a. Building materials damaged. Wall is peeling and shows holes, mould and mildew, ceiling is peeling and sagging due to steam leak from radiator.
- b. Not able to shut steam off completely, currently still leaking, radiator not installed.
- c. Flooring and trim have been removed.
- d. Bathroom fixtures in disrepair.
- e. Bathroom flooring in disrepair.
- f. Passage door and trim damaged.

**AND WHEREAS** such inspection disclosed that the following breaches of the Public Health Act and the Regulations there under exist in and about the above noted premises, namely:

- a. **Housing Regulation AR 173/99**  
Building materials damaged. Wall is peeling and shows holes, mould and mildew, ceiling is peeling and sagging due to steam leak from radiator which is in contravention of section 3(1)(a)(iii) of the Housing Regulation which states that: an owner shall ensure that the housing premises are in good repair.
- b. **Housing Regulation AR 173/99 s4**  
Not able to shut steam off completely, currently still leaking, radiator not installed 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 220C(710F), or 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.

- c. **Housing Regulation AR 173/99 s4**  
**Flooring and trim have been removed which 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.
- d. **Housing Regulation AR 173/99 s4**  
Bathroom fixtures are in disrepair which is in contravention of section IV(6)(c) of the Minimum Housing and Health Standards which states that: All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.
- e. **Housing Regulation AR 173/99 s4**  
Bathroom flooring are in disrepair which is in contravention of section III(5)(a) of the Minimum Housing and Health Standards which states that: 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.
- f. **Housing Regulation AR 173/99 s4**  
Passage door and trim damaged which is in contravention of section III(3)(a) of the Minimum Housing and Health Standards which states that: Exterior windows and doors shall be capable of being secured.

**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 above noted premises remain vacant and not be rented out.
2. That the owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
  - a. Arrange for an asbestos evaluation before any further work proceeds.
  - b. Repair steam fittings. Re-install radiator.
  - c. Replace flooring and trim in all rooms.
  - d. Paint and repair ceiling in all rooms.
  - e. Paint and repair walls in all rooms.
  - f. Replace doors, frames and trim.
  - g. Repair or replace bathroom fixtures and connect each fixture properly including shutoff valves.
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 Lethbridge , Alberta, October 23, 2012



**Gaileen Williamson** CPHI(C)  
Executive Officer  
Environmental Health Officer

Confirmation of an oral order issued to **Chad Harley**, October 22, 2012.

### **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 24<sup>th</sup> Floor, Telus Plaza, 10025 - Jasper Avenue, Edmonton, Alberta, T5J 1S6. Telephone (780) 427-2813.

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](http://www.qp.gov.ab.ca).*

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*Copies of standards are available by contacting the Health Protection Branch of Alberta Health & Wellness at (780) 427-4518, or by visiting: [www.health.alberta.ca/about/health-legislation.html](http://www.health.alberta.ca/about/health-legislation.html)*