

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

**To:** Doug Foxall

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

**RE:** Plan 1222AY; Block 30; Lot 1  
21 Main Avenue, Glenwood, 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. Carpet, walls and ceiling of the house were in a state of disrepair. Drywall and ceiling material was missing or was damaged at various locations throughout the house.
- b. All the windows in the house were covered with plastic sheets which are not windproof, weatherproof and waterproof. All the doors to the dwelling were in disrepair.
- c. There were no insect screens on the windows.
- d. The roof of the house was in disrepair. Multiple steel patches were seen on the roof was being used to repair the damaged roof. The house is also slightly tilted near the bathroom area.
- e. The housing premise was not provided with an operational sewage disposal system. An old shed outside the house was being used as a toilet.
- f. Septic tank was not operational at the time of inspection.
- g. A wood burning fireplace was being used as a heat source but it is inadequate to maintain habitable indoor temperature.
- h. The main water line to the house had been cut off by the owner and there is no hot/cold water supply to the house. Occupants are currently hauling water in plastic containers.
- i. The plumbing system was in disrepair. None of the hand sinks were operational. Bathtub also did not have water supply and was not accessible.
- j. There was no proper kitchen or food preparation area in the house. The kitchen sink did not have hot/cold water supply.
- k. Baseboards and counter tops in the kitchen area were in disrepair making them hard to clean.
- l. Smoke alarms were not present at the premises at the time of inspection.
- m. Few electrical outlets had their covers missing or were in disrepair.
- n. There was an accumulation of garbage and waste products inside as well as outside the house.

**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. Walls, ceilings and carpet were in a state of disrepair, 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. All the windows and doors were in disrepair, which is in contravention of section III(2)(b)(i) of the Minimum Housing and Health Standards which states that: All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof.
- c. None of the windows had insect screens, which is in contravention of section III(2)(b)(iii) of the Minimum Housing and Health Standards which states that: 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.
- d. Damage was evident on the roof of the house, which is in contravention of section III(2)(a) of the Minimum Housing and Health Standards which states that: The roof and exterior cladding of walls shall be maintained in a waterproof, windproof and weatherproof condition.
- e. The house was not provided with an operational sewer system, which is in contravention of section IV(6) of the Minimum Housing and Health Standards which states that: Every housing premises shall be connected to the public sewage system, or to an approved private sewage disposal system.
- f. Septic tank was not operational, which is in contravention of section IV(6)(a) of the Minimum Housing and Health Standards which states that: 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, pumpout sewage holding tanks, septic tanks and the disposal system shall be maintained in a proper operating condition.
- g. Inadequate heat source was being used at the time of inspection, 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.
- h. Occupants of the house did not have adequate supply of potable 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.

- i. The house did not have operational plumbing fixtures, which is in contravention of section IV(7) of the Minimum Housing and Health Standards which states that: Except where exempt by regulation, every housing premises shall be provided with plumbing fixtures of an approved type consisting of at least a flush toilet, a wash basin, and a bathtub or shower.
- j. There was no proper food preparation or kitchen area in the house, which is in contravention of section IV(14)(a)(i) of the Minimum Housing and Health Standards which states that: Every housing premises shall be provided with a food preparation area, which includes: a kitchen sink that is supplied with potable hot and cold water and suitably sized to allow preparation of food, washing utensils and any other cleaning operation.
- k. Kitchen area was in disrepair which is in contravention of section IV(14)(a)(iii) of the Minimum Housing and Health Standards which states that: Every 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.
- l. Smoke alarms were not present at the dwelling at the time of inspection which is in contravention of section IV(12) of the 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.
- m. Few electric outlets were in disrepair which is in contravention of section IV(11) of the 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.
- n. There was an accumulation of garbage and other waste products inside as well as outside the house which is in contravention of section 11 (2) of the Nuisance and General Sanitation Regulation which states that: Garbage and refuse shall be held in containers constructed of metal or other substantial and impervious material.

**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**:

- a. That the occupants vacate the above noted premises on or before **August 28, 2013**.
- b. That the owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
  - a. Carpet, walls and ceilings are repaired.
  - b. All the windows in habitable rooms are repaired using double glazing or other thermal/air resistant barrier that may be approved by the Executive Officer.
  - c. All the windows must have insect screens.

- d. The roof of the house must be properly repaired so that it is water and weatherproof. Tilted area near the kitchen should be inspected by an engineer to find out if the foundation has been damaged.
  - e. The house must have operational sewage system to ensure proper disposal of sewage.
  - f. If septic tank is going to be used to dispose of sewage, ensure that it is operational all times when the house is occupied.
  - g. Proper heating source (i.e. Furnace) must be installed or existing furnace must be repaired in the house to ensure adequate supply of heat during winter months.
  - h. Ensure that the occupants have adequate supply of potable water at proper temperature all times.
  - i. Ensure that, toilet, hand sinks and bath tubs are operational and accessible to the occupants all times.
  - j. Ensure that proper food preparation/kitchen area is provided to the occupants for cooking the food properly.
  - k. Ensure that the existing kitchen area is repaired and finishes are done so that it is easily cleanable.
  - l. Ensure that enough smoke detectors are present on site all time. Also ensure that smoke detectors are operational all times.
  - m. Ensure that all the electric outlets that are in disrepair are repaired.
  - n. Ensure that all the waste and clutter present inside and outside the house is properly disposed of.
- c. 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 **Cardston** , Alberta, **August 14, 2013**

Handwritten signature of Syed Naqvi in black ink. The signature is stylized and includes the name 'Syed Naqvi' written in a cursive script.

**Syed Naqvi**, CPHI(C)  
Executive Officer  
Environmental Health Officer

## 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)*

Confirmation of an oral order issued to **Melvin Shingar**, at **9:20 AM on August 14, 2013**

Copy **Doug Foxall**

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