

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

To: Farley Developments Inc.
Dwayne Kennedy
“the Owner”

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

RE: Those housing premises located in Lethbridge, Alberta and municipally described as:
317 12 Street C North

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. Some electrical outlet and light switch covers are missing.
- b. Incomplete flooring, transition strips, and baseboards.
- c. Flooring and walls in disrepair by the bathtub.
- d. HVAC system in disrepair with missing heat registers and disconnected ducting.
- e. Leaking bathtub drain (pipes not connected) that slopes towards the p-trap.
- f. Evidence of a mouse infestation including droppings and insulation with borrows in it.
- g. Large cracks and several holes in the foundation which allow for water infiltration into the basement as well as pest entry.
- h. Shower head and water taps in the bathroom are not installed properly and allow water to accumulate behind the bathtub surround.
- i. Missing eavestrough on the back of the house and exterior siding that is in poor condition with holes in it and exposed wood.
- j. Several missing window frames, a cracked pane of glass in a basement window, and the front door which does not close properly leaving a large gap on the bottom and side.

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. Section 2(2)(a) of the Nuisance and General Sanitation Regulation which states that: A person who creates, commits or maintains any premises in a condition that is or might become injurious or dangerous to the public health or that might hinder in any manner the prevention or suppression of disease is deemed to have created, committed or maintained a nuisance.
- b. Missing electrical outlet and light switch covers 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.
- c. Incomplete flooring, transition strips, and baseboards, 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. Flooring and walls in disrepair by the bathtub, 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.
 - e. HVAC system in disrepair, 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.
 - f. Leaking bathtub drain with inappropriate slope, 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. Evidence of a mouse infestation, which is in contravention of section V(16)(a) of the Minimum Housing and Health Standards which states that: The owner shall ensure that the housing premises are free of insect and rodent infestations.
 - h. Cracks and holes in the foundation allowing water infiltration and pest entry, 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.
 - i. Inappropriately installed shower head and taps allowing water infiltration behind the bathtub surround, 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.
 - j. Missing eavestrough and poor condition of exterior siding, 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.
 - k. Window and door deficiencies, 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.
 - l. Holes in the foundation, which is in contravention of section III of the Minimum Housing and Health Standards which states that: The owner shall ensure that the housing premises is structurally sound, in a safe condition, in good repair, and maintained in a waterproof, windproof and weatherproof condition.

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 November 9, 2015.
2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Ensure all electrical outlets and light switches have covers installed.
 - b. Ensure all flooring is installed appropriately, including transition strips and baseboards.
 - c. Ensure the walls near the bathtub are repaired.
 - d. Ensure HVAC system is repaired, registers are installed, and inspection is conducted by ATCO Gas. A copy of the ATCO Gas inspection report must be provided to the undersigned Public Health Inspector.
 - e. Ensure the bathtub drain is properly connected and sloped towards the drain stack.
 - f. Trap the mice within the house and clean/sanitize all areas with mouse droppings.
 - g. Fill all holes and cracks in the foundation and ensure no further water infiltration occurs.
 - h. Properly install the shower head and water taps for the bathtub so that water cannot penetrate behind the tub surround.
 - i. Install eavestrough and down spouts on the back of the house.
 - j. Fix the exterior of the house so that it is in good repair, free from holes/damage, and is weatherproof.
 - k. Ensure all window frames are installed and are in good repair.
 - l. Ensure the front door closes properly and there are no gaps.
 - m. Replace the broken pane of glass in the basement window.
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 Lethbridge, Alberta, November 2, 2015
Confirmation of a verbal order issued to Dwayne Kennedy on November 2, 2015.

Maria Krall B.SC., 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 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, Telus Plaza North Tower
10025 Jasper Avenue NW
Edmonton, Alberta, T5J 1S6
Phone: 780-427-2813
Fax: 780-422-0914
Email: health.appealboard@gov.ab.ca

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: www.health.alberta.ca/about/health-legislation.html

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www.albertahealthservices.ca/eph.asp