

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

To: Devry Greenhouses Ltd.,
And Rick Kattenberg

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

RE: The permanent dwelling located in Lethbridge County, Alberta and described as:
112030 Hwy 25, T0K 1V0

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. Strong odour of sewage and seepage into the basement indicating possible failure of the septic field.
- b. Tree roots visible in the concrete water cistern, laboratory testing indicates the water is not potable.
- c. Infestation of rodents and droppings in many areas including the kitchen.
- d. Small bedroom having a screen door in the east wall, taped shut, blanket covering which is not suitable for winter occupancy.
- e. Bedroom egress is not directly to the outdoors, opening onto sunroom.
- f. Kitchen floor is covered with soiled carpet.
- g. Large window with broken glass as well as a screen door with broken glass.
- h. Damaged building materials on the exterior of the house and laying on the ground on the south side of premises.
- i. Evidence of moisture currently seeping into the basement and signs of previous flooding.
- j. Improper ventilation to bedrooms.
- k. Odour of sewage in the house, shower and other plumbing equipment not vented to the outdoors.
- l. Unfinished basement with solitary shower, not having smooth washable floors, walls, ceiling around the shower, limited head space; mouse droppings in the bottom of the shower.

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. Strong odour of sewage and seepage into the basement indicating possible failure of the septic field, 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.
- b. Tree roots visible in the concrete water cistern, laboratory testing indicates the water is not potable which is in contravention of section 3(1)(b)(iii) which states that: 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.
- c. Infestation of rodents and droppings in many areas including the kitchen 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.
- d. Small bedroom having a screen door in the east wall, taped shut, blanket covering which is not suitable for winter occupancy which is in contravention of section III(2)(b)(ii) of the Minimum Housing and Health Standards which states that: In housing premises intended for use during the winter months, windows in habitable rooms shall protect against cold weather through the provision of a storm sash, double glazing, or other durable thermal/air resistant barrier as may be approved by the Executive Officer.
- e. Bedroom egress is not directly to the outdoors, opening onto sunroom which is in contravention of section III(3)(b) of the Minimum Housing and Health Standards which states that: For buildings of 3 stories 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.
- f. Kitchen floor is covered with soiled carpet which is in contravention of section III(5)(b) of the Minimum Housing and Health Standards which states that: Rooms and sections of rooms that are used for food preparation and cooking shall have walls and floors constructed of materials which do not provide harbourage to dirt, grease, vermin and bacteria and that are easily kept clean.
- g. Large window with broken glass as well as a screen door with broken glass, which is in contravention of section III(2)(b)(i) which states: All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof.
- h. Damaged building materials on the exterior of the house and laying on the ground on the south side of premises, 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.
- i. Evidence of moisture currently seeping into the basement and signs of previous flooding 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.

- j. Improper ventilation to bedrooms which is in contravention of section III(4)(a,b) of the Minimum Housing and Health Standards which states that: All rooms used for sleeping shall be provided with: (a) openable window area of 0.28m² (3.0ft²); or (b) mechanical ventilation in conformance with the requirements of the Alberta Building Code.
- k. Odour of sewage in the house, shower and other plumbing equipment not vented to the outdoors 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.
- l. Unfinished basement with solitary shower, not having smooth washable floors, walls, ceiling around the shower, limited head space; mouse droppings in the bottom of the shower 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.

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 July 16, 2018.
- 2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Have the septic field assessed by a certified installer and repaired as required.
 - b. Repair or replace drinking water cistern, sanitize water lines in the dwelling with chlorine solution and flush.
 - c. Provide effective pest control and repair rodent damage and access points.
 - d. Replace screen door in small bedroom with wall or window or door which is suitable for winter occupancy.
 - e. Remove sunroom, change sunroom, or otherwise provide egress from each bedroom window directly to the outdoors.
 - f. Remove carpet from the kitchen and install smooth, washable flooring.
 - g. Repair or remove broken glass in window and screen door.
 - h. Repair exterior of dwelling, remove damaged building materials left lying on the ground.
 - i. Find the source of the moisture seepage, repair basement, remove water damaged building materials, and improve drainage.
 - j. Provide proper ventilation including having windows in each bedroom openable to the outdoors or provide sufficient mechanical ventilation.

- k. Properly install a trap and vent to each and every plumbing fixture, no parts of the plumbing system to be vented into the basement.
 - l. Remove basement shower or build a room around it having smooth washable floors, walls, ceiling; the room must have light, heat and ventilation.
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.
4. Alternatively, the premises may also be demolished, or remain permanently boarded up as per the telephone discussion with Devry Greenhouses Ltd.

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, July 25, 2018.
Confirmation of a verbal order issued to Rick Kattenberg.

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: <http://www.health.alberta.ca/about/PHAB.html>

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.

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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Lethbridge • Lethbridge Community Health • South Zone

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www.albertahealthservices.ca/eph.asp