

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

**To:** Brian Shawn Travis McCarty

“the Owner”

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

**RE:** Those housing premises located in Lethbridge, Alberta and municipally described as:  
124 19 Street N - House

**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:

There was evidence that one or more people were residing in the garage on this property. The following concerns were noted:

- a. The majority of plumbing fixtures were disconnected, broken or otherwise incapable of being properly used. This includes: the bathroom sink, the bathtub, and the kitchen faucet.
- b. The basement was wet and reeked of sewage.
- c. There was water staining on the bottom of the hot water tank indicating it had been at least a few inches under water.
- d. There was no smoke alarm installed.
- e. There were major finishing issues noted throughout the home. This includes, but is not limited to:
  - i) Large, gaping holes in the bathroom walls.
  - ii) Severely cracked, broken or missing pieces of flooring/tile in the bathroom.
  - iii) Entire portions of the wall are falling off near the back door.
  - iv) Framing and trim around some doors and windows is damaged or missing entirely.
  - v) Various small holes in walls throughout the entire home.
- f. The bathroom fan is not working.
- g. There are numerous outlet/switch covers missing.
- h. Major sanitation concerns noted in most rooms of house.

**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. The majority of plumbing fixtures were disconnected, broken or otherwise incapable of being properly used. 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. The basement was wet and reeked of sewage which is in contravention of section 5(2) of the Housing Regulation which states that: No person shall cause or permit any condition in housing premises that is or may become injurious or dangerous to the public health, including any condition that may hinder in any way the prevention or suppression of disease;

AND

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, maintained in good repair and free from water infiltration and accumulation.

- c. There was water staining on the bottom of the hot water tank indicating it had been at least a few inches under water 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.
- d. There was no smoke alarm installed 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.
- e. There were major finishing issues noted throughout the home 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;

AND

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. The bathroom fan is not working which is in contravention of section IV(7)(c) of the Minimum Housing and Health Standards which states that: All rooms containing a flush toilet and/or bathtub or shower shall be provided with natural or mechanical ventilation.
- g. There are numerous outlet/switch covers missing 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
- h. Major sanitation concerns noted in most rooms of house which is in contravention of section 5(2) of the Housing Regulation which states that: No person shall cause or permit any condition in housing premises that is or may become injurious or dangerous to the public health, including any condition that may hinder in any way the prevention or suppression of disease.

**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 May 13, 2021.
- 2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
  - a. Replace or repair all missing or damaged plumbing fixtures. Ensure all plumbing fixtures work properly, as intended.
  - b. Ensure the basement is thoroughly cleaned and sanitized and that there are no sewage concerns or water infiltration issues.
  - c. Ensure the hot water tank is operating properly and safely. Get a professional to look at this.
  - d. Ensure a working smoke alarm is installed in the hallway between bedrooms.
  - e. Ensure ALL finishes are in good repair and in a condition that is easy to clean.
  - f. Ensure there is a working bathroom fan installed.
  - g. Ensure all outlets and switches have proper covers.
  - h. Ensure the entire home is thoroughly cleaned, cleared out and sanitized.
- 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, May 13, 2021

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, 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](mailto:HealthAppealBoard@gov.ab.ca)  
Website: <https://www.alberta.ca/public-health-appeal-board.aspx>

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](http://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](http://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](http://www.albertahealthservices.ca/eph.asp)