

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

Amended June 26, 2024

To: Mark Kimura
"the Owner"

And To: All Occupants of the following Housing premises:

RE: Those housing premises located in Lethbridge, Alberta and municipally described as:
1703 16 Avenue S – 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:

- a. There was no power supplied to the home.
- b. Two basement bedrooms had personal belongings in them, and numerous occupants other than the owner, were living in this premise which was in contravention of the vacate date noted on the previous Closed for Tenant Accommodation Executive Officer Order dated June 19, 2024.
- c. There was a non-vented power generator operating in the garage. Reportedly, the generator operates continuously to provide power to the dwelling. Containers of combustible products were present in the garage to ensure the operation of the power generator. There was a strong smell of exhaust from the non-vented generator indicating poor indoor air quality and likely high levels of carbon monoxide gas.
- d. The bathroom ceiling had multiple large holes in it.
- e. Two basement bedrooms did not have appropriately sized windows for emergency egress.
- f. The large front window had a huge hole in it.
- g. Multiple electrical outlet covers and switch plates were missing.
- h. Lighting fixtures were missing and had loose wires hanging down from the electrical box.
- i. A small section of the upstairs tub caulking was black and no longer sealed to the wall.

- j. Sections of the ABS plumbing under the upstairs kitchen sink were missing. Water drained from the sink into a bucket in the cupboard cabinet.
- k. There was no railing to the basement.
- l. The basement bathroom had no suitable ventilation.
- m. The basement bathroom window only had a single pane of glass. The second pane had been completely shattered.
- n. There was extensive mould growth on the drywall behind the toilet in the basement bathroom.
- o. There appeared to be a leak in the laundry area. This may be the source of the water causing the mould growth in the basement bathroom.
- p. There was another smashed bedroom window on the front of the 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. There was no power supplied to the home, 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.
- b. Two basement bedrooms had personal belongings in them, and numerous occupants other than the owner, were living in this premise which was in contravention of the vacate date noted on the previous Closed for Tenant Accommodation Executive Officer Order dated June 19, 2024, which is in contravention of section 5(1) of the Housing Regulation which states that: No person shall occupy or permit the occupation of housing premises in respect of which an order under section 62(4)(b) of the Act is in effect.
- c. There was a non-vented power generator operating in the garage. Reportedly, the generator operates continuously to provide power to the dwelling. Containers of combustible products were present in the garage to ensure the operation of the power generator. There was a strong smell of exhaust from the non-vented generator indicating poor indoor air quality and likely high levels of carbon monoxide gas, 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.
- d. The bathroom ceiling had multiple large holes in it 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.

- e. Two basement bedrooms did not have appropriately sized windows for emergency egress, which is in contravention of section III(3)(b)(i) of the Minimum Housing and Health Standards which states that: Windows referred to above shall provide unobstructed openings with areas not less than 0.35 m² (3.8ft²), with no dimension less than 380 mm (15").
- f. The large front window has a huge hole in it, 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.
- g. Multiple electrical outlet covers and switch plates were 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. Lighting fixtures were missing and had loose wires hanging down from the electrical box, 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.
- i. A small section of the upstairs tub caulking was black and no longer sealed to the wall 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. Sections of the ABS plumbing under the upstairs kitchen sink were missing. Water drained from the sink into a bucket in the cupboard cabinet, 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.
- k. There was no railing to the basement, which is in contravention of section III(3)(c) of the Minimum Housing and Health Standards which states that: Inside or outside stairs or porches including all treads, risers, supporting structural members, rails, guards and balconies, shall be maintained in good repair and shall comply with the requirements of the Alberta Building Code or a Professional Engineer design.
- l. The basement bathroom had no suitable ventilation, 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.

- m. The basement bathroom window had only a single pane of glass. The second pane had been completely shattered 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.
- n. There was extensive mould growth on the drywall behind the toilet, which is in contravention of section III(1)(c) of the Minimum Housing and Health Standards which states that: Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- o. There appeared to be a leak in the laundry area. This may be the source of the water causing the mould growth in the basement bathroom, 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.
- p. There was another smashed bedroom window on the front of the house, 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.

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 **June 24, 2024**.
- 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 power service has been fully restored to this home.
 - b. Abide by the requirements of the Closure Order. No one other than the Owner, Mark Kimura, can be staying in this home.
 - c. Cease the use of the generator in the garage.
 - d. Repair all finishing issues.
 - e. Install suitable egress windows in both basement bedrooms.
 - f. Replace the large broken window on the front of the house.
 - g. Ensure all outlets and switches have cover plates.

- h. Ensure all lighting fixtures are properly installed and working as intended.
 - i. Ensure the upstairs tub is properly sealed. Mould/rot damaged materials must be properly removed or remediated.
 - j. Repair the upstairs kitchen plumbing in accordance with Alberta Plumbing Code requirements.
 - k. Install a railing to the basement in accordance with the Alberta Building Code.
 - l. Install a bathroom fan or, alternatively, install an insect screen on the bathroom window, after it has been repaired.
 - m. Repair the broken bathroom window.
 - n. Address the source of moisture, remove mouldy/rotten drywall/building materials, dry the area out completely and finally properly rebuild and refinish this area. You may to consult/contract professionals with experience in mould remediation.
 - o. Completely address any leaks in the laundry room area.
 - p. Replace the smashed bedroom 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, June 19, 2024.
Amended on June 26, 2024.

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
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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: <https://www.alberta.ca/public-health-appeal-board.aspx>

A Notice of Appeal form may be obtained by contacting the Public Health Appeal Board or visiting their website.

Health Legislation, Regulations and Standards

Electronic versions of the Public Health Act and Regulations are available at the Alberta King's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or
<https://www.alberta.ca/alberta-kings-printer.aspx>.

Health Legislation and regulations are available for purchase. Please contact Alberta King's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or
<https://www.alberta.ca/alberta-kings-printer.aspx>.

Copies of standards are available by visiting: <https://www.alberta.ca/health-standards-and-guidelines.aspx>

Lethbridge • Melcor Centre • South Zone

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www.albertahealthservices.ca/eph.asp