

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

To: Man Young Kim
James Lee
Rouvina Lee
Chad Harley
Western Explorer Co. Ltd.
And all owners and managers

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

RE: Suite 212, 202 – 5 Street South, Lethbridge, AB

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. The door handles and locks on all doors in the suite were loose and not capable of being secured.
- b. There is a large crack in the ceiling.
- c. The wooden board that the radiator sits on shows signs of moisture damage and is in disrepair.
- d. The flooring in the bathroom was cracked and missing in places.
- e. The door frame and trim were in disrepair.
- f. Windows are single paned.
- g. The window frames are in disrepair.
- h. There are no insect screens on the windows.
- i. There is no proper kitchen or food preparation area in the unit.

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. Housing Regulation AR 173/99 s4

The door handles and locks on all doors in the suite were loose and not capable of being secured, which is in contravention of section III(3)(a) of the Minimum Housing and Health Standards which states that: Exterior windows and doors shall be capable of being secured.

b. Housing Regulation AR 173/99 s4

There is a large crack in the ceiling, 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.

c. Housing Regulation AR 173/99 s4

The wooden board that the radiator sits on shows signs of moisture damage and is in disrepair, 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. Housing Regulation AR 173/99 s4

The flooring in the bathroom was cracked and missing in places, 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. Housing Regulation AR 173/99 s4

The door frame and trim were in disrepair, which is in contravention of section III(3)(a) of the Minimum Housing and Health Standards which states that: Exterior windows and doors shall be capable of being secured.

f. Housing Regulation AR 173/99 s4

The windows are single paned, 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.

g. Housing Regulation AR 173/99 s4

The window frame is 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.

h. Housing Regulation AR 173/99 s4

There are no insect screens for the window, 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.

i. Housing Regulation AR 173/99 s4

There is no proper kitchen or food preparation area in this unit, 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.

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 above noted premises remain vacant and not be rented out.
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 doors on the unit have proper hardware and are capable of being secured.
 - b. Ensure that all floors, walls and ceiling are in good repair.
 - c. Ensure the flooring under the radiator is in good repair and that any water damaged or mouldy building materials is removed and repaired.
 - d. Ensure that the flooring in the bathroom is in good repair, non-absorbent and easily cleanable.
 - e. Ensure that the door frame and trim are in good repair and that the door is capable of being secured.
 - f. Ensure proper windows are in place (ie. Double glazed windows)
 - g. Ensure the window frames are in good repair and that the window can be secured.
 - h. Ensure there are insect screens available for the window.
 - i. Ensure that the room is equipped with a proper food preparation area, including flooring that does not harbour grease, dirt, bacteria and is easily cleanable.
3. That until such time as the work referred to above is completed to the satisfaction of an Executive Officer of Alberta Health Services and a re-inspection takes place; 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, October 29, 2012.

Jenny Andrews, BSc., BEH(AD), 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 24th 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.

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 & Wellness at (780) 427-4518, or by visiting: www.health.alberta.ca/about/health-legislation.html

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Confirmation of an oral order issued to **Chad Harley**, on **October 22, 2012**.