

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

To: Willem & Willemina Van Rootselaar
"the Owner"
Marvin Van Rootselaar
"the Operator"

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

RE: Those housing premises located in Lethbridge, Alberta and municipally described as:
2113 – 5 Avenue N

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. The floors, walls and ceilings throughout the house were in disrepair.
- b. Baseboards throughout the house were damaged or missing.
- c. Vents throughout the house were bent out of the walls, completely covered with duct tape and/or were broken and hanging from the walls.
- d. Windows throughout the home (upstairs front bedroom, downstairs bedrooms, downstairs bathroom and living room) were all smashed and broken.
- e. All of the broken windows had been blocked by items such as cardboard, plywood, insulation, large children's toys and metal frames.
- f. The basement windows could not be secured.
- g. The carpet in the basement kitchen was filthy and damaged.
- h. There were multiple areas of water damage throughout the basement suite including but not limited to:
 - a. The cupboards in the basement kitchen.
 - b. All of the walls in the basement bathroom.
- i. The toilet in the basement bathroom was not working at all.

- j. There was no ventilation for the basement bathroom. The openable portion of the window in the bathroom was broken and insulation was shoved in it.
- k. The tub surround in the upstairs bathroom was cracked and in disrepair.
- l. The caulking around the upstairs tub and surround was filthy and missing portions.
- m. The window frame in the upstairs bathroom was broken and mouldy.
- n. There were dog feces and urine all over the hardwood floor in the upstairs front bedroom.
- o. There was drugs and drug paraphernalia throughout the basement.
- p. The basement bedroom door and door mechanism were in disrepair.
- q. Parts of the siding on the house were broken and falling off.
- r. There were no screens for the openable windows.

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 and the Nuisance and General Sanitation Regulation AR 243/03 exist in and about the above noted premises, namely:

- a. The floors, walls and ceilings throughout the house were 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.
- b. Baseboards throughout the house were damaged or missing 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. Vents throughout the house were bent out of the walls, completely covered with duct tape and/or were broken and hanging from the walls 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. Windows throughout the home (upstairs front bedroom, downstairs bedrooms, downstairs bathroom and living room) were all smashed and broken 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.
- e. All of the broken windows had been blocked by items such as cardboard, plywood, insulation, large children's toys and metal frames 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 basement windows could not be 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.
- g. The carpet in the basement kitchen was filthy and damaged 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.
- h. There were multiple areas of water damage throughout the basement suite including but not limited to:
 - a. The cupboards in the basement kitchen.
 - b. All of the walls in the basement bathroom.This 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. AND: 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.
- i. The toilet in the basement bathroom was not working at all which is in contravention of section 3(2) of the Housing Regulation which states that: an owner shall ensure that the housing premises' plumbing system and facilities provided under subsection (1)(b) are free from defects and maintained in proper operating condition.
- j. There was no ventilation for the basement bathroom. The openable portion of the window in the bathroom was broken and insulation was shoved in it. This 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.
- k. The tub surround in the upstairs bathroom was cracked and in disrepair 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.
- l. The caulking around the upstairs tub and surround was filthy and missing portions 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.

- m. The window frame in the upstairs bathroom was broken and mouldy 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.
- n. There were dog feces and urine all over the hardwood floor in the upstairs front bedroom 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.
- o. There was drugs and drug paraphernalia throughout the basement which is in contravention of Section 2(1) and Section 2(2)(a) of the Nuisance and General Sanitation Regulation AR243/2003 which reads: *"No person shall create, commit or maintain a nuisance. Without limiting the generality of subsection (1), 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."*
- p. The basement bedroom door and door mechanism were in disrepair 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.
- q. Parts of the siding on the house were broken and falling off 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.
- r. There were no screens for the openable windows 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.

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 4, 2019.
- 2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Repair the floors, walls, ceilings and baseboards throughout the entire house. Ensure that these areas are all in good repair.
 - b. Replace and/or repair the vents in the home. Ensure these are properly installed and in good repair.
 - c. Replace all the broken windows in the home.
 - d. Remove all the items blocking the bedroom windows.
 - e. Ensure all the windows can be secured.

- f. Remove the carpet in the basement kitchen. Ensure the new flooring is smooth, non-absorbent and easily cleanable.
 - g. Remove all mouldy and water damaged building materials in the basement.
 - h. Repair the cupboards in the basement kitchen.
 - i. Repair the walls and ceiling in the basement bathroom. Ensure this area is in good repair.
 - j. Repair the toilet. Ensure it is in good working condition.
 - k. Remove the insulation from the window in the basement bathroom. Repair the window and ensure there is a form of ventilation for the basement bathroom. This can either be mechanical (ie. A fan) or natural (ie. Openable window).
 - l. Repair the tub surround in the upstairs washroom. This may need to be replaced depending on the extent of the damage.
 - m. Remove all the old caulking from around the tub in the upstairs washroom. Replace the caulking and ensure it forms a watertight seal between the tub and the wall.
 - n. Repair the window frame in the upstairs bathroom. Ensure that all mouldy and water damaged building materials are removed. Replace with water resistant materials.
 - o. Remove feces from the bedroom upstairs. Clean and sanitize the flooring and ensure the hardwood floor is in good repair.
 - p. Remove the drugs and paraphernalia from the basement. Ensure that proper personal protective equipment is used and that all needles are properly disposed of in sharps containers. These can be obtained from ARCHES.
 - q. Repair the basement bedroom door. Ensure that the door and handle mechanism are in good repair.
 - r. Repair the siding on the exterior of the house.
 - s. Ensure all openable windows in the home are equipped with appropriate insect screens and that these screens are in good repair.
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 9, 2019.

Confirmation of a verbal order issued to Marvin and Bill Van Rootselaar on May 3, 2019.

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
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.

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

Environmental Public Health

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www.albertahealthservices.ca/eph.asp