

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

To: Debora Tkaczyk
"the Owner"

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

RE: Those housing premises located in Taber, Alberta and municipally described as 5314 53rd Street.

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 ambient air temperature measured 0C in the bedroom. The kitchen stove and portable space heaters are used to keep the premise warm.
- b. The kitchen sink pipes were frozen. The taps were turned on with no running water.
- c. The bedroom window was completely sealed shut and not openable.
- d. The front door knob cannot be opened without the use of a special tool.
- e. The siding located outside, underneath the living room window is in disrepair.
- f. Mold growth was noted in the bottom cupboards.
- g. The ceiling in the kitchen and bathroom sags downward.
- h. The roof from the outside slopes south to north, suggesting structural concerns with the roof sheeting and or roof trusses.
- i. The ceiling in the kitchen and bathroom have numerous cracks.
- j. The flooring in the kitchen slopes south to north and in the living room slope west to east suggesting structural concerns with the foundation, support posts/beams, and/or floor joists.

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 ambient air temperature measured 0C in the bedroom. The kitchen stove and portable space heaters are used to keep the premise warm. This is in contravention of section IV(8)(a)(i), IV (8)(c), IV (8)(d) of the Minimum Housing and Health Standards which states that: All heating facilities within a housing premises are to be properly installed and maintained in good working condition, and be *capable* of safely and adequately heating all habitable rooms, bathrooms, and toilet rooms within the building to a temperature of at least 22C(71F), or maintained at a temperature of at least 22C(71F)

- when the control of the supplied heat in a dwelling is the responsibility of a person other than the occupant. Cooking appliances and portable space heaters shall not be used as the primary source for the required heat to a habitable room. Every owner of a housing premises shall ensure a continuous supply of electricity, water and heat unless the rental agreement stipulates that such utility services are the sole responsibility of the occupant.
- b. The kitchen sink pipes were frozen. The taps were turned on with no running water. This is in contravention of section IV(9) of the Minimum Housing and Health Standards which states that: Every building used in whole or in part, as housing premises shall be supplied with a potable water supply of sufficient volume, pressure and temperature to serve the needs of the inhabitants.
 - c. The bedroom window was completely sealed shut and not openable. This is contravention of sections III (3)(b), III (2)(b)(ii) of the Minimum Housing and Health Standards which states that: For buildings of 3 storeys or less and except where a bedroom door provides access directly to the exterior or the suite is sprinkled, each bedroom shall have at least one outside window which may be opened from the inside without the use of tools or special knowledge. 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.
 - d. The front door knob cannot be opened without the use of a special tool. This is contravention of section III of the Minimum Housing and Health Standards which states that: The owner shall ensure that the housing premises is structurally sound, in a safe condition, in good repair, and maintained in a waterproof, windproof and weatherproof condition.
 - e. The siding located outside, underneath the living room window is in disrepair. This is 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.
 - f. Mold growth was noted in the bottom cupboards. 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.
 - g. The ceiling in the kitchen and bathroom sags downward. This is in contravention of section III, III(1)(a,b), & section III(1)(c) 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. Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced. The owner shall ensure that the housing premises is structurally sound, in a safe condition, in good repair, and maintained in a waterproof, windproof and weatherproof condition.
 - h. The roof from the outside slopes south to north, suggesting structural concerns with the roof sheeting and or roof trusses. This is in contravention of section III, III(1)(a,b), & section III(1)(c) 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. Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced. The owner shall ensure that the housing premises is structurally sound, in a safe condition, in good repair, and maintained in a waterproof, windproof and weatherproof condition.

- i. The ceiling in the kitchen and bathroom have numerous cracks. This 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.
- j. The flooring in the kitchen slopes south to north and in the living room slope west to east suggesting structural concerns with the foundation, support posts/beams, and/or floor joists. This is in contravention of of section III, III(1)(a,b), & section III(1)(c) 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. Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced. The owner shall ensure that the housing premises is structurally sound, in a safe condition, in good repair, and maintained in a waterproof, windproof and weatherproof condition.

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 March 1, 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 or replace the furnace to ensure the ambient temperature reaches a minimum of 22C.
 - b. Repair or replace kitchen sink plumbing to ensure there is a sufficient amount of hot and cold running water available at all times.
 - c. Repair or replace bedroom window to ensure the window is openable and screened. Please ensure window meets emergency egress standards.
 - d. Repair or replace the front door knob to ensure it is openable without the use of any special tools.
 - e. Repair or replace the siding located outside, underneath the living room window.
 - f. Clean and sanitize, and remediation of mold located in bottom kitchen cupboards. Find source of moisture and eliminate it to prevent further re-growth.
 - g. The ceiling needs to be properly secured and finished. Any material showing rot or damage that cannot be properly repaired and finished needs to be replaced.
 - h. The outside roof, including roof trusses and under sheeting needs to be assessed by a Certified Structural/Civil Engineer, or a Safety Codes Officer (Building discipline). Any recommendations from the engineer/Officer to make the roof is structurally sound will need to be completed and proof of a satisfactory report is required to be submitted to this office.
 - i. Repair the cracks located in the kitchen and bathroom ceiling.
 - j. The foundation, support beams/posts and floor joists needs to be assessed by a Certified Structural/Civil Engineer or a Safety Codes Officer (Building discipline). Any recommendations from the engineer/Officer to make the flooring structurally

sound will need to be completed and proof of a satisfactory report is required to be submitted to this office.

3. That until such time as all 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 Taber, Alberta, February 26, 2019

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

Template revised May 8, 2018

Taber • Taber Health Centre • Environmental Public Health

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www.albertahealthservices.ca/eph.asp