

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

To: **Sherrie Shanks**
 "the Owner"

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

RE: All temporary structures located on the property (including the "tiny house"/ shed and all trailers) located in Welling, Cardston County, Alberta and municipally described as: 63010A Highway 5 (Plan 30711A, all that portion of Block 7 which lies to the West of the East 225.37 feet of Block 7; Plan 30711A, Block 8).

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 yard is cluttered with refuse.
- b. Tenants are residing in temporary structures on the property, including a "tiny house"/ shed and trailers. These structures are not adequately serviced with essential utilities.
- c. The "tiny house"/ shed does not have a bathroom or kitchen.

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 yard is cluttered with refuse, which is in contravention of **Housing Regulation AR 173/99** Section 5(2), which states "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".
- b. Tenants are residing in temporary structures on the property, including a "tiny house"/ shed and trailers. These structures are not adequately serviced with essential utilities, which is in contravention of the following legislation:

Section IV(8)(a)(i) 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; (i) at least 22°C(71°F),”

AND

Section IV(8)(c) of the **Minimum Housing and Health Standards** which states that “cooking appliances and portable space heaters shall not be used as the primary source for the required heat to a habitable room.”

AND

Section IV(8)(d) of the **Minimum Housing and Health Standards** which states that “every owner must 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.”

AND

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.”

AND

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.”

- c. The “tiny house”/ shed does not have a bathroom or kitchen, which is in contravention of the following legislation:

Section IV(7) of the **Minimum Housing and Health Standards** which states that “except where exempt by regulation, every housing premises shall be provided with plumbing fixtures of an approved type consisting of at least a flush toilet, a wash basin, and a bathtub or shower.”

AND

Section IV(7)(d)(i, ii, iii) of the **Minimum Housing and Health Standards** which states that “occupants of a housing premises with more than one dwelling unit may share a flush toilet, wash basin and bathtub or shower provided that: the occupants have access to the washroom facility without going through another dwelling or outside of the building; and the facility is located on the same floor as, or on the next storey up or down from the floor on which the suite is located; and each group of plumbing fixtures (toilet, washbasin, bathtub or shower) shall not serve more than eight persons.”

AND

Section IV(14)(a)(i) of the **Minimum Housing and Health Standards** which states that: Every housing premises shall be provided with a food preparation area, which includes: a kitchen sink that is supplied with potable hot and cold water and suitably sized to allow preparation of food, washing utensils and any other cleaning operation.”

AND

Section IV(14)(a)(iv) of the **Minimum Housing and Health Standards** which states that “every housing premises shall be provided with a food preparation area, which includes: a stove and a refrigerator that are maintained in a safe and proper operating condition. The refrigerator shall be capable of maintaining a temperature of 4°C(40°F).”

AND

Section IV(14)(b)(iii) of the **Minimum Housing and Health Standards** which states that “the common kitchen room is located on the same floor as, or on the next storey up or down from the floor on which the dwelling unit is located.”

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 September 1, 2022.
2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Remove refuse from yard.
 - b. Other than the house/ primary residence, all temporary structures used for overnight accommodations must either be removed from the property or constructed to meet the **Minimum Housing and Health Standards**. The only occupant allowed to live in the house/ primary residence is the owner listed on the registered Land Title Certificate, as the house does not currently meet the **Minimum Housing and Health Standards**.
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, August 18, 2022
Confirmation of a verbal order issued to Sherrie Shanks on August 17, 2022.

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 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 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: <https://www.alberta.ca/health-standards-and-guidelines.aspx>

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Raymond RCMP
Lethbridge Elder Abuse Response Network
Lethbridge Housing Association

Lethbridge • Community Health Site • Environmental Public Health

801 1 Avenue South, Lethbridge, AB, Canada T1J 4L5

<https://www.ahs.ca/eph>