

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

To: Kevin Gunther and Jessica Arcand (AKA Jessica Gunther)
“the Owners”

And To: All Occupants of the following Housing premises:

RE: Those housing premises located in Lethbridge, Alberta and municipally described as:
719 23 Street N - Garage

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 were living quarters set up in the garage; there was no bathroom in the garage.
- b. There were living quarters set up in the garage; there was no kitchen in the garage.
- c. The interior garage finishes, such as unsealed concrete and bare wood, were not properly finished and would impede proper cleaning and sanitation.
- d. There was no smoke alarm.
- e. There was drug paraphernalia observed in various areas of the garage.
- f. The garage was in a poor sanitary state.

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 were living quarters set up in the garage; there was no bathroom in the garage, which is in contravention of 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

Which is in contravention of 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.

- b. There were living quarters set up in the garage; there was no kitchen in the garage, which is in contravention of 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

Which is in contravention of section IV(14)(a)(iii) of the Minimum Housing and Health Standards which states that: Every housing premises shall be provided with a food preparation area, which includes: a counter or table used for food preparation which shall be of sound construction and furnished with surfaces that are easily cleaned.

AND

Which is in contravention of section IV(14)(b)(ii) of the Minimum Housing and Health Standards which states that: the occupants have access to the common kitchen room from a public corridor without going outside the building.

AND

Which is in contravention of 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.

- c. The interior garage finishes, such as unsealed concrete and bare wood, were not properly finished and would impede proper cleaning and sanitation, 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. There was no smoke alarm, which is in contravention of section IV(12) of the Minimum Housing and Health Standards which states that: Smoke alarms within dwellings shall be installed between each sleeping area and the remainder of the suite and, where hallways serve the sleeping areas; the smoke alarms shall be installed within the hallway.
- e. There was drug paraphernalia observed in various areas of the garage, 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.

- f. The garage was in a poor sanitary state, 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.

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 **May 23, 2024**.
2. Thoroughly secure the Garage from any unwanted entry. This will require changing or adding locks to the door and *may* require further locks on the bay door and/or boarding up windows.
3. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Remove all mattresses, bedding and any furniture that would suggest that this is building to for sleeping purposes.
 - b. Ensure that this garage is never used for accommodation purposes again.
4. 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, May 10, 2024
Confirmation of a verbal order issued to Kevin Gunther on May 9, 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

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 contacting the Health Protection Branch of Alberta Health at 780-427-4518 or 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