

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

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

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 - House

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 2 bedrooms and at least 4 beds in the basement. There were no egress windows in the basement.
- b. There were multiple broken or missing switchplates and electrical outlet covers.
- c. The upstairs bathroom faucet was missing a handle.
- d. The upstairs tub surround was poorly sealed and pulling off the wall.
- e. The upstairs bathroom window screen was no longer properly attached.
- f. Pooling water was noted under the sink in the upstairs bathroom indicating leaky plumbing.
- g. The bathroom door handle mechanism was not working. The latch portion was missing entirely.
- h. Upstairs kitchen window was broken.
- i. The basement suite was missing a refrigerator.
- j. There were exterior latches and padlocks on most bedroom doors. This creates potential emergency egress concerns for occupants of these rooms.
- k. Most of the ceiling vents in the basement had been taped over impeding ventilation.
- l. The stairs to the basement did not have a barrier or railing on the side to prevent falls.

- m. Multiple finishing issues noted throughout home. This includes, but is not limited to:
- i) The trim around the back door was missing entirely. The other finishes around this back door were in poor condition.
 - ii) There was a large patch of missing drywall near the back door.
 - iii) There were various small holes in walls and doors throughout the home.
 - iv) The glass doors in the basement had multiple broken panes, that had been covered in cardboard.

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 2 bedrooms and at least 4 beds in the basement. There were no egress windows in the basement, 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”).
- b. There were multiple broken or missing switchplates and electrical outlet covers, which is in contravention of 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 upstairs bathroom faucet was missing a handle, which is in contravention of section IV(6)(a) of the Minimum Housing and Health Standards which states that: The plumbing system and the sanitary drainage system or private sewage disposal system, as the case may be, including drains, fixtures, traps, vents, stacks, waste disposal facilities, pumpout sewage holding tanks, septic tanks and the disposal system shall be maintained in a proper operating condition.
- d. The upstairs tub surround was poorly sealed and pulling off the wall, 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. The upstairs bathroom window screen was no longer properly attached, 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.

- f. Pooling water was noted under the sink in the upstairs bathroom indicating leaky plumbing, which is in contravention of section IV(6)(c) of the Minimum Housing and Health Standards which states that: All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.
- g. The bathroom door handle mechanism was not working. The latch portion is missing entirely, 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.
- h. Upstairs kitchen window was 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.
- i. The basement suite was missing a refrigerator, 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.
- j. There were exterior latches and padlocks on most bedroom doors. This creates potential emergency egress concerns for occupants of these rooms, 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.
- k. Most of the ceiling vents in the basement had been taped over impeding ventilation, which is in contravention of 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 at least 22°C(71°F), or maintained at a temperature of at least 22°C(71°F) when the control of the supplied heat in a dwelling is the responsibility of a person other than the occupant.
- l. The stairs to the basement did not have a barrier or railing on the side to prevent falls, which is in contravention of section III(3)(c) of the Minimum Housing and Health Standards which states that: Inside or outside stairs or porches including all treads, risers, supporting structural members, rails, guards and balconies, shall be maintained in good repair and shall comply with the requirements of the Alberta Building Code or a Professional Engineer design.
- m. Multiple finishing issues noted throughout home, 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.

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. Ensure this property is secured from unpermitted occupants. This may require changing exterior locks.
3. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Ensure both bedrooms in the basement have suitable egress windows; remove the other beds in the living room area.
 - b. Replace all broken or missing outlet covers and switchplates.
 - c. Ensure the upstairs bathroom faucet is in good repair.
 - d. Ensure the upstairs bathroom tub surround is fully sealed and waterproof.
 - e. Replace/repair the broken insect screen in the bathroom.
 - f. Investigate the source of water pooling under the upstairs bathroom sink. Repair plumbing deficiencies as required.
 - g. Ensure the bathroom door mechanism works as intended.
 - h. Replace the broken kitchen window.
 - i. If there is a basement suite it must be provided with proper provisions for food handling, including a properly working refrigerator.
 - j. Remove the latches/padlocks from the bedroom doors.
 - k. Remove the tape/covers over the basement vents and ensure the heating system works as intended.
 - l. Install a barrier on the side of the stairs. Ensure this meets Alberta Building Code requirements.
 - m. Properly address all damaged finishes.
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 visiting: <https://www.alberta.ca/health-standards-and-guidelines.aspx>

Lethbridge • Melcor Centre • South Zone

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www.albertahealthservices.ca/eph.asp