

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

To: Maxxim Holdings Inc.
"the Owner"

Randy Sawatzky
"the Owner"

Laura Sawatzky
"the Owner"

And To: All Occupant(s) of the following Housing premises:
Basement, 130 North Railway Street

RE: Those housing premises located in Okotoks, Alberta and municipally described as:
Basement, 130 North Railway 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. Unacceptable egress window in the northwest basement bedroom. The openable area of the window measured approximately 13 inches by 21 inches or 1.9 square feet.
- b. Unacceptable egress window in the southwest basement bedroom. The openable area of both slider windows measured approximately 13 inches by 21 inches or 1.9 square feet.
- c. The smoke alarm in the hallway between the two basement bedrooms was not functional.
- d. Visible mould, water damage, and elevated moisture was noted on the bottom of the cupboard under the kitchen sink and into the adjacent corner cabinet.
- e. Visible water damage and elevated moisture was noted in the baseboards, bottom 1 foot of drywall, and pieces of the carpet at the south wall and southwest corner of the wall in the southwest bedroom.
- f. There was a small leak coming from the refrigeration unit at the time of inspection, which was leading to the pooling of water on the kitchen floor.

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. Unacceptable egress window in the northwest basement bedroom. The openable area of the window measured approximately 13 inches by 21 inches or 1.9 square feet. This is in contravention of section III(3)(b)(ii) of the Minimum Housing and Health Standards which states that: Windows referred to in section III(3)(b)(i) shall provide unobstructed openings with areas not less than 0.35 m² (3.8ft²), with no dimension less than 380 mm (15”).
- b. Unacceptable egress window in the southwest basement bedroom. The openable area of both slider windows measured approximately 13 inches by 21 inches or 1.9 square feet. This is in contravention of section III(3)(b)(ii) of the Minimum Housing and Health Standards which states that: Windows referred to in section III(3)(b)(i) shall provide unobstructed openings with areas not less than 0.35 m² (3.8ft²), with no dimension less than 380 mm (15”).
- c. The smoke alarm in the hallway between the two basement bedrooms was not functional. This is a contravention of section IV(12)(a) of the Minimum Housing and Health Standards which states that: Smoke alarms shall be operational and in good repair at all times.
- d. Visible mould, water damage, and elevated moisture was noted on the bottom of the cupboard under the kitchen sink and into the adjacent corner cabinet. 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.
- e. Visible water damage and elevated moisture was noted in the baseboards, bottom 1 foot of drywall, and pieces of the carpet at the south wall and southwest corner of the wall in the southwest bedroom. 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.
- f. There was a small leak coming from the refrigeration unit at the time of inspection, which was leading to the pooling of water on the kitchen floor. This is in contravention of section IV(14)(a)(iv) of the Minimum Housing and Health Standards which states that a stove and refrigerator that are maintained in a safe and proper operating condition. The refrigerator shall be capable of maintaining a temperature of 4 degrees C. (40°F).

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 Friday, September 1, 2023.
2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Identify the source/cause of the water infiltration and conduct necessary repairs to prevent further water infiltration.
 - b. Fix the leak coming from the refrigeration unit.

- c. Remove all mouldy and/or water damaged absorbent material.
 - d. Remove mould and thoroughly dry out any remaining materials affected by the water infiltration.
 - e. Provide Alberta Health Services - Environmental Public Health with a report detailing the cause of the water infiltration, the extent of the damage and required remediation (including removal or assessment for any other hazards such as asbestos during remediation).
 - f. Provide Alberta Health Services – Environmental Public Health with evidence that all the required remediation has been completed.
 - g. Repair remediated areas so as to meet the Alberta Minimum Housing and Health Standards.
 - h. Install at least one egress window in the southwest and northwest basement bedrooms that meets the Alberta Minimum Housing and Health Standards to the satisfaction of an Executive Officer of Alberta Health Services.
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 Okotoks, Alberta, August 4, 2023.

Confirmation of a verbal order issued to Randy Sawatzky on August 3, 2023.

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 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>

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