

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

To: 2519765 Alberta Inc.
Such Chandhiok
Shaileshkumar R Makwana
Dipti Shaileshkumar Makwana
Shruti Nayyar
Trina Lambert

“the Owners”

And To: All Occupant(s) of the following Housing premises: 3308 2 Street NE – Basement

RE: Those housing premises located in Calgary, Alberta and municipally described as:
3308 2 Street NE - Basement

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 was no smoke alarm installed in the unit.
- b. The openable area of the window in the basement living room measured approximately 26 inches high and 15 inches wide, which is too small for emergency egress purposes. The living room was being used for sleeping purposes.
- c. There was no proper kitchen facility in the basement suite. There was no sink, cabinets, a fridge, or a stove. The occupants do not have access to the upstairs kitchen.
- d. Portions of the carpeted flooring and the baseboards under the living room window (facing the front yard) were mouldy.
- e. The lower walls in the suite near the living room window (facing the front yard) had mould growth and measured up to 70 percent moisture.
- f. A section of the wall beside the bar counter was damaged, exposing a large hole and a leaking plumbing pipe. The interior wall surrounding the pipe was mouldy, wet, and water accumulation was observed inside the cavity.
- g. The carpets were saturated with water near the exposed plumbing lines.
- h. The entire cabinet base material under the washroom sink was mouldy. The base material measured up to 60 percent moisture.
- i. Water had accumulated under the stairs in the utility room.
- j. The walls surrounding the door to the unit were unfinished, exposing raw wood.
- k. Large sections of the basement washroom flooring were missing, exposing concrete.
- l. The flooring outside of the bathroom was unfinished.

- m. There was no insect screen installed for the openable window in the basement living room.

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 was no smoke alarm installed in the unit. This is a 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.
- b. The openable area of the window in the basement living room measured approximately 26 inches high and 15 inches wide, which is too small for emergency egress purposes. The living room was being used for sleeping purposes. This is a 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. There was no proper kitchen facility in the basement suite. There was no sink, cabinets, a fridge, or a stove. The occupants do not have access to the upstairs kitchen. This is a contravention of section IV(14)(a)(i)(ii)(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 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 cupboards or other facilities suitable for the storage of food; and 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 degrees C.
- d. Portions of the carpeted flooring and the baseboards under the living room window (facing the front yard) were mouldy. This is a 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. This is also a contravention of section 5(2) of the Public Health Act Housing Regulation, 1999 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.
- e. The lower walls in the suite near the living room window (facing the front yard) had mould growth and measured up to 70 percent moisture. This is a 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. This is also a contravention of section 5(2) of the Public Health Act Housing Regulation, 1999 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. This is also a contravention of section III(1)(a,b) 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.

- f. A section of the wall beside the bar counter was damaged, exposing a large hole and a leaking plumbing pipe. The interior wall surrounding the pipe was mouldy, wet, and water accumulation was observed inside the cavity. This is a 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. This is also a contravention of section 5(2) of the Public Health Act Housing Regulation, 1999 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. This is also a 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. This is also a contravention of section III(1)(b) of the Minimum Housing and Health Standards which states that: basements, cellars or crawl spaces shall be structurally sound, and maintained in good repair and free from water infiltration and accumulation.
- g. The carpets were saturated with water near the exposed plumbing lines. This is a contravention of section III(1)(b) of the Minimum Housing and Health Standards which states that: basements, cellars or crawl spaces shall be structurally sound, and maintained in good repair and free from water infiltration and accumulation.
- h. The entire cabinet base material under the washroom sink was mouldy throughout. The base material measured up to 60 percent moisture. This is a 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. This is also a contravention of section 5(2) of the Public Health Act Housing Regulation, 1999 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.
- i. Water had accumulated under the stairs in the utility room. This is a contravention of section III(1)(b) of the Minimum Housing and Health Standards which states that: basements, cellars or crawl spaces shall be structurally sound, and maintained in good repair and free from water infiltration and accumulation.
- j. The walls surrounding the door to the unit was unfinished, exposing raw wood. This is a 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.
- k. Large sections of the basement washroom flooring were missing, exposing concrete. This is a 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.

- I. The flooring outside of the bathroom was unfinished. This is a 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.
- m. There was no insect screen installed for the openable window in the basement living room. This is a 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.

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 July 31, 2024.
2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Install a fully operational smoke alarm in the unit.
 - b. Install an openable window in the sleeping area that meets section III3(b) of the Minimum Housing and Health Standards.
 - c. Install a proper kitchen including a suitably sized sink with hot / cold potable water, cabinets, a stove, and a refrigerator that is capable of maintaining a temperature of 4 degrees Celsius.
 - d. Determine the source of water infiltration into the basement suite and properly repair. Remove all mouldy and water damaged materials including (but not limited to): the carpets, subfloor, baseboards, and walls. Assess for additional mould growth once building materials have been removed and the interior wall cavity is exposed and remediate if necessary. Once all water damaged and mouldy materials have been removed, replace with all new materials.
 - e. Repair the leaking plumbing pipe beside the bar counter. Then, remove all water damaged materials, remediate the mould growth within the interior cavity, and then replace with all new materials.
 - f. Determine the source of water or excess moisture causing the water damage/ mould growth on the cabinet base material under the washroom sink and properly repair. Then, remove all mouldy / water damaged materials and replace with all new materials.
 - g. Determine the source of water allowing water to accumulate under the stairs and properly repair. Then, clean and dry the area.

- h. Properly finish the walls surrounding the door to the unit. Ensure proper finishes are applied so the walls are made smooth, non-absorbent to moisture, and easily cleanable.
 - i. Install proper flooring inside and outside of the bathroom.
 - j. Install tight-fitting insect screens for the openable window in the basement living room.
 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 Calgary, Alberta, July 10, 2024.

Confirmation of a verbal order issued to Trina Lambert on July 8, 2024 and to Shaileshkumar R Makwana on July 10 2024.

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.

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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