

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

**To:** Navin Benjamin Leung  
"the Owner"

**And To:** Andrew Chen  
"the Owner"

**And To:** All Occupant(s) of the following Housing premises: 4940 Rundlewood Road NE

**RE:** Those housing premises located in Calgary, Alberta and municipally described as:  
4940 Rundlewood Road NE

**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 operable window for the main floor bedroom 1 (M1), which was being used for sleeping purposes.
- b. There was no operable window for the main floor bedroom 2 (M2), which was being used for sleeping purposes.
- c. There was no operable window for the main floor bedroom 3 (M3), which was being used for sleeping purposes.
- d. There was no operable window for the basement bedroom 1 (B1), which was being used for sleeping purposes.
- e. There was no operable window for the basement bedroom 2 (B2), which was being used for sleeping purposes.
- f. There was no operable window for the basement bedroom 3 (B3), which was being used for sleeping purposes.
- g. There was no operable window for the basement bedroom 4 (B4), which was being used for sleeping purposes.
- h. There was a sheet of drywall covering the window in basement bedroom 5 (B5), and when the window was in a fully opened position, a metal hinge running from the centre of the lower window sash to the window frame blocked effective egress. The operable area of the window measured 13 inches high and 9 inches wide, which is too small for emergency egress. The room was being used for sleeping purposes.
- i. The smoke alarm installed on the main floor was not operational.
- j. There was no smoke alarm installed near the basement bedrooms.
- k. There was no handrail installed along the stairs to the basement.
- l. There was significant mould growth that measured upwards of 15 square feet on the entire ceiling of the basement bathroom.

- m. There was mould growth on the cabinet walls beside the toilet. The perimeter of the cabinet walls measured up to 999 RELS (relative moisture level) when tested with a moisture meter and the surface was bubbling and deteriorating.
- n. The lower portion of the wall beside the basement bathtub was badly water damaged, mouldy, rotting, and the finish had deteriorated.
- o. The base panel under the kitchen cupboard had sunken in from water damage and portions of the cabinet and wall underneath the sink were mouldy.
- p. The basement ceiling by the stairs was water stained along the entire length of the wall near the window, and a portion of the ceiling was deteriorating as a result.
- q. Portions of the lower corner of the caulking around the main floor bathtub were mouldy.
- r. The fan cover in the main floor bathroom was hanging and not secured in place, exposing a gap in the ceiling.
- s. The walls beside the stove in the basement kitchen had unfinished drywall installed with unfinished seams exposed.
- t. There was a fly infestation throughout the home.
- u. There was garbage and refuse littered throughout the backyard of the property.
- v. There was an outlet cover missing from the wall in main floor bedroom 4 (M4).
- w. A portion of the covering installed over the make-shift basement bedroom 1 (B1) wall had fallen off, exposing foam insulation boards.
- x. There were no insect screens installed on the windows in main floor bedrooms 5 (M5) and 6 (M6).
- y. There was lint build up throughout the laundry room which may be an indication that the dryer vent is not properly vented to the exterior or not properly secured in place.

**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 openable window for the main floor bedroom 1 (M1), which was being used for sleeping purposes. This is a contravention of section III(3)(b)(i) of the Minimum Housing and Health Standards which states that: For buildings of 3 storeys or less and except where a bedroom door provides access directly to the exterior or the suite is sprinklered, each bedroom shall have at least one outside window which may be opened from the inside without the use of tools or special knowledge.
- b. There was no openable window for the main floor bedroom 2 (M2), which was being used for sleeping purposes. This is a contravention of section III(3)(b)(i) of the Minimum Housing and Health Standards which states that: For buildings of 3 storeys or less and except where a bedroom door provides access directly to the exterior or the suite is sprinklered, each bedroom shall have at least one outside window which may be opened from the inside without the use of tools or special knowledge.
- c. There was no openable window for the main floor bedroom 3 (M3), which was being used for sleeping purposes. This is a contravention of section III(3)(b)(i) of the Minimum Housing and Health Standards which states that: For buildings of 3 storeys or less and except where a bedroom door provides access directly to the exterior or the suite is sprinklered, each bedroom shall have at least one outside window which may be opened from the inside without the use of tools or special knowledge.

- d. There was no operable window for the basement bedroom 1 (B1), which was being used for sleeping purposes. This is a contravention of section III(3)(b)(i) of the Minimum Housing and Health Standards which states that: For buildings of 3 storeys or less and except where a bedroom door provides access directly to the exterior or the suite is sprinklered, each bedroom shall have at least one outside window which may be opened from the inside without the use of tools or special knowledge.
- e. There was no operable window for the basement bedroom 2 (B2), which was being used for sleeping purposes. This is a contravention of section III(3)(b)(i) of the Minimum Housing and Health Standards which states that: For buildings of 3 storeys or less and except where a bedroom door provides access directly to the exterior or the suite is sprinklered, each bedroom shall have at least one outside window which may be opened from the inside without the use of tools or special knowledge.
- f. There was no operable window for the basement bedroom 3 (B3), which was being used for sleeping purposes. This is a contravention of section III(3)(b)(i) of the Minimum Housing and Health Standards which states that: For buildings of 3 storeys or less and except where a bedroom door provides access directly to the exterior or the suite is sprinklered, each bedroom shall have at least one outside window which may be opened from the inside without the use of tools or special knowledge.
- g. There was no operable window for the basement bedroom 4 (B4), which was being used for sleeping purposes. This is a contravention of section III(3)(b)(i) of the Minimum Housing and Health Standards which states that: For buildings of 3 storeys or less and except where a bedroom door provides access directly to the exterior or the suite is sprinklered, each bedroom shall have at least one outside window which may be opened from the inside without the use of tools or special knowledge.
- h. There was a sheet of drywall covering the window in basement bedroom 5 (B5), and when the window was in a fully opened position, a metal hinge running from the centre of the lower window sash to the window frame blocked effective egress. The operable area of the window measured 13 inches high and 9 inches wide, which is too small for emergency egress. The room was being used for sleeping purposes. This is a contravention of section III(3)(b)(i) of the Minimum Housing and Health Standards which states that: For buildings of 3 storeys or less and except where a bedroom door provides access directly to the exterior or the suite is sprinklered, each bedroom shall have at least one outside window which may be opened from the inside without the use of tools or special knowledge. This is also 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 m<sup>2</sup> (3.8ft<sup>2</sup>), with no dimension less than 380 mm (15”).
- i. The smoke alarm installed on the main floor was not operational. 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.
- j. There was no smoke alarm installed near the basement bedrooms. 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.

- k. There was no handrail installed along the stairs to the basement. This is a contravention of section III(3)(c)(i) of the Minimum Housing and Health Standards which states that: Inside or outside stairs or porches including all treads, risers, supporting structural members, handrails, 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.
- l. There was significant mould growth that measured upwards of 15 square feet on the entire ceiling of the basement bathroom. This is 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.
- m. There was mould growth on the cabinet walls beside the toilet. The perimeter of the cabinet walls measured up to 999 RELS (relative moisture level) when tested with a moisture meter, and the surface was bubbling and deteriorating. This is 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.
- n. The lower portion of the wall beside the basement bathtub was badly water damaged, mouldy, rotting, and the finish had deteriorated. This is 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.
- o. The base panel under the kitchen cupboard had sunken in from water damage and portions of the cabinet and wall underneath the sink were mouldy. This is 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.

- p. The basement ceiling by the stairs was water stained along the entire length of the wall near the window, and a portion of the ceiling was deteriorating as a result. This is 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. 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.
- q. Portions of the lower corner of the caulking around the main floor bathtub were mouldy. This is 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.
- r. The fan cover in the main floor bathroom was hanging and not secured in place, exposing a gap in the ceiling. 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.
- s. The walls beside the stove in the basement kitchen had unfinished drywall installed with unfinished seams exposed. This is a contravention of section III(5)(b) of the Minimum Housing and Health Standards which states that: Rooms and sections of rooms that are used for food preparation and cooking shall have walls and floors constructed of materials which do not provide harbourage to dirt, grease, vermin and bacteria and that are easily kept clean.
- t. There was a fly infestation throughout the home. This is a contravention of section V(16)(a) of the Minimum Housing and Health Standards which states that: The owner shall ensure that the housing premises are free of insect and rodent infestations.
- u. There was garbage and refuse littered throughout the backyard of the property. This is a contravention of section V(16) of the Minimum Housing and Health Standards which states that: The owner shall ensure that all rooms and other areas used in common by the occupants of the individual dwellings are maintained in a clean and sanitary condition.
- v. There was an outlet cover missing from the wall in the main floor bedroom 4 (M4). This is a 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.
- w. A portion of the covering installed over the make-shift basement bedroom 1 (B1) wall had fallen off, exposing foam insulation boards. 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.

- x. There were no insect screens installed on the windows in main floor bedrooms 5 (M5) and 6 (M6). 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.
- y. There was lint build up throughout the laundry room which may be an indication that the dryer vent is not properly vented to the exterior or not properly secured in place. This is a contravention of section V(16) of the Minimum Housing and Health Standards which states that: The owner shall ensure that all rooms and other areas used in common by the occupants of the individual dwellings are maintained in a clean and sanitary condition. 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.

**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 August 20, 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. Install an openable window in bedrooms M1, M2, M3, B1, B2, B3, B4, and B5 that meets section 3B of the Minimum Housing and Health Standards. Obtain all necessary permits and consult with the City of Calgary for the completion of this work to ensure the work meets all the City of Calgary permitting and building code requirements.
  - b. Repair or replace the smoke alarm on the main floor and ensure it is fully operational.
  - c. Install a fully operational smoke alarm near the basement bedrooms.
  - d. Install a sturdy handrail along the stairs to the basement.
  - e. Determine and stop the source of excess moisture/water causing the mould growth on the ceiling of the basement bathroom and along the walls. Then, remove all mouldy, rotting, and damaged building materials and replace with all new materials.
  - f. Determine and stop the source of excess moisture/water causing the mould growth along the basement kitchen cupboard and walls below the sink. Then, remove the water damaged and mouldy building materials and replace with new materials.

- g. Determine and stop the source of water infiltration causing the water staining on the basement ceiling. Then, refinish the water-stained ceiling.
  - h. Wash mould off from the caulking around the main floor bathtub with soap and water. If the mould cannot be washed off, remove mouldy caulking, and reseal around the bathtub surround.
  - i. Secure the fan cover to the ceiling in the main floor bathroom.
  - j. Properly finish the wall beside the basement stove and ensure the wall is made smooth, non-absorbent to moisture, and easily cleanable.
  - k. Set up fly traps and eradicate the fly infestation. Hire a professional pest control company if necessary.
  - l. Properly dispose of all garbage and refuse littered throughout the backyard of the property.
  - m. Install the missing outlet cover from the wall in the main floor bedroom 4 (M4).
  - n. Secure the covering installed over the foam insulation boards in the basement bedroom 1 (B1).
  - o. Install tight-fitting insect screens over the windows in main floor bedrooms 5 (M5) and 6 (M6).
  - p. Remove the accumulated lint from the laundry room and ensure the dryer vent is properly secured and vented to the outside of the home.
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 14, 2023

Confirmation of a verbal order issued to Andrew Chen and Navin Benjamin Leung on July 14, 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](mailto: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>