

**ORDER OF AN EXECUTIVE OFFICER  
UNFIT FOR HUMAN HABITATION  
ORDER TO VACATE**

**To:** Mary McLean (deceased)  
"the Owner"

Shannon McLean (daughter of Mary)  
"Executor"

Soni Nayak  
"Trustee"

**And To:** All Occupant(s) of the following Housing premises: 5615 8 Ave SE

**RE:** Those housing premises located in Calgary, Alberta and municipally described as:  
5615 8 Ave SE

**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. The dwelling was not supplied with electricity.
- b. The electrical panel was altered to accommodate extra power needed for a marihuana grow operation.
- c. The dwelling was involved in a serious fire causing the roof to partially burn off.
- d. The bedroom windows were taken out and the opening was boarded up, thus preventing emergency egress.
- e. Based on the age of the house, asbestos containing materials were likely disturbed during the fire and are now present throughout the debris in and around the home.
- f. The ceiling in the hallway and two upper bedrooms was severely damaged. Various building material such as insulation and drywall were falling from the ceiling and scattered throughout the rooms.
- g. The smoke alarm between the bedrooms was not functional.
- h. The basement bathroom sink was pulled away from the wall.
- i. The top handrail along the staircase was missing.
- j. The backyard was full of burnt debris from the fire.

**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. The dwelling was not supplied with electricity. This is in contravention of section IV(8)(d) of the Minimum Housing and Health Standards which states that: Every owner of a housing premises shall ensure a continuous supply of electricity, water, and heat unless the rental agreement stipulates that such utility services are the sole responsibility of the occupant.
- b. The electrical panel was altered to accommodate extra power needed for a marihuana grow operation. This 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 dwelling was involved in a serious fire causing the roof to partially burn off. This is in contravention of section III(2)(a) of the Minimum Housing and Health Standards which states that: The roof and exterior cladding of walls shall be maintained in a waterproof, windproof and weatherproof condition.
- d. The bedroom windows were taken out and the opening was boarded up, thus preventing emergency egress. This is in 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. Based on the age of the house, asbestos containing materials were likely disturbed during the fire and are now present throughout the debris in and around the home. This is in contravention of section 5(2) of the Housing Regulation, 2001 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 ceiling in the hallway and two upper bedrooms was severely damaged. Various building material such as insulation and drywall were falling from the ceiling and scattered throughout the rooms. 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.
- g. The smoke alarm between the bedrooms was not functional. This is in 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.
- h. The basement bathroom sink was pulled away from the wall. This 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. And section IV(7)(b) of the Minimum Housing and Health Standards which states that: The wash basin should be in the same room as the flush toilet or in close proximity to the door leading directly into the room containing the flush toilet.
- i. The top handrail along the staircase was missing. This is in 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.
- j. The backyard was full of burnt debris from the fire. This is in contravention of section 5(2) of the Housing Regulation, 2001 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 **Unfit for Human Habitation**.

NOW THEREFORE, I hereby **ORDER** and **DIRECT**:

1. That the occupants vacate the above noted premises immediately.
2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
  - a. Reinstate electrical service to the dwelling.
  - b. Hire an electrician to assess and repair the electrical panel and obtain a copy of the work completed.
  - c. Repair or replace the roof and obtain a copy of the roofing report for work completed.
  - d. Install bedroom egress windows equipped with locks and screens.
  - e. Complete an asbestos bulk sample analysis and abate asbestos prior to remediation the interior of the premise.
  - f. Repair the damaged ceiling in the hallway bedrooms.
  - g. Install a functional smoke alarm in the hallway between the bedrooms.
  - h. Repair the basement bathroom sink so it is secured to the wall.
  - i. Install a handrail along the staircase.
  - j. Remove and dispose of all debris from the property around the dwelling.
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 vacant and secure from unauthorized entry.

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, June 12, 2023

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](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>