

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

To: Earl H Wirth
"the Owner"

RE: Those housing premises located in Calgary, Alberta and municipally described as:
#3 133 11 Av NW, Calgary, AB, T2M 0B7

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 entire unit was packed with extreme amounts of clutter, personal belongings and garbage. The kitchen and bathroom were largely inaccessible.
- b. There were dozens of plastic bottles scattered throughout the unit that were partially filled with urine.
- c. All utilities to the unit were disconnected. There has not been heat to the unit for many years, the Calgary Fire Department turned off electrical service due to the hazardous conditions in the unit, and neighbours turned off water service to the unit as there was a bad leak originating from this unit affecting the unit below. Electricity and heating in the unit below were required to be shut off due to the water leak. The source of the leak could not be determined due to the volume of clutter in the unit.
- d. There were several space heaters scattered throughout the unit which created a fire hazard due to the volume of refuse and clutter present.

AND WHEREAS such inspection disclosed that the following breaches of the Public Health Act and the Nuisance and General Sanitation Regulation 243/2003 exist in and about the above noted premises, namely:

- a. The entire unit was packed with extreme amounts of clutter, personal belongings and garbage. The kitchen and bathroom were largely inaccessible. This is in contravention of section 2(1) of the Nuisance and General Sanitation Regulation which states that "No person shall create, commit or maintain a nuisance".
- b. There were dozens of plastic bottles scattered throughout the unit that were partially filled with urine. This is in contravention of section 2(1) of the Nuisance and General Sanitation Regulation which states that "No person shall create, commit or maintain a nuisance".
- c. All utilities to the unit were disconnected. There has not been heat to the unit for many years, the Calgary Fire Department turned off electrical service due to the hazardous

conditions in the unit, and neighbours turned off water service to the unit as there was a bad leak originating from this unit affecting the unit below. Electricity and heating in the unit below were required to be shut off due to the water leak. The source of the leak could not be determined due to the volume of clutter in the unit. This is in contravention of section 2(1) of the Nuisance and General Sanitation Regulation which states that “No person shall create, commit or maintain a nuisance”.

- d. There were several space heaters scattered throughout the unit which created a fire hazard due to the volume of refuse and clutter present. This is in contravention of section 2(1) of the Nuisance and General Sanitation Regulation which states that “No person shall create, commit or maintain a nuisance”.

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 on or before March 1, 2021.
2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Remove all excess clutter, personal belongings, bottles of human waste, and garbage from the unit.
 - b. Identify the source of the water leak, undertake all repairs necessary including but not limited to removing all building materials that were saturated by water, then rebuild with new building materials.
 - c. Restore all utilities to the unit.
 - d. Discontinue using space heaters as the primary source of heat.
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, March 1, 2021, and hand-delivered to Earl Wirth on the same date.

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 Alberta Health Services at 780-342-0122 or by contacting the Public Health Appeal Board.

Health Legislation, Regulations and Standards

Electronic versions of the Public Health Act and Regulations are available at the Alberta Queen's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or www.qp.gov.ab.ca.

Health Legislation and regulations are available for purchase. Please contact Alberta Queen's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or www.qp.gov.ab.ca.

Copies of standards are available by contacting the Health Protection Branch of Alberta Health at 780-427-4518 or by visiting: <https://www.alberta.ca/health-standards-and-guidelines.aspx>

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www.albertahealthservices.ca/eph.asp