

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

To: Fred Dumais
"the Owner"

And To: All Occupant(s) of the following Housing premises:

RE: Those housing premises located in Clearwater County, Alberta and municipally described as: #4 Voyageur Drive; Plan 772 2639, Lot 1 (Pt. NW 21-39-07 W5M)

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. Human waste was apparent in buckets, bags and non-functioning toilets throughout the property.
- b. There was no running water available at the property.
- c. There was no continuous power/electricity available at the property.
- d. There was no functioning kitchen provided.
- e. There was no adequate sanitary facilities provided.
- f. There was no smoke detector present within the living structure.
- g. All windows were blocked with metal grates or boarded with wood blocking emergency egress.

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 and the Nuisance and General Sanitation Regulation, Alberta Regulation 243/2003 exist in and about the above noted premises, namely:

- a. Human waste was apparent in buckets, bags and non-functioning toilets throughout the property. This is contrary to section 2(h) of the Nuisance and General Sanitation Regulation (AR 243/2003) which states: "(1) No person shall create, commit or maintain a nuisance. (2) Without limiting the generality of subsection (1), a person who creates, commits or maintains (h) any building that, due to (i) its not being in a clean state, (ii) the presence in it of noxious vapours or odours arising from any drain, water closet or urinal, or (iii) lack of ventilation in it sufficient to render harmless any gases, vapours, dust or other impurities generated in it, is or might become injurious or dangerous to the public health or that might hinder in any manner the prevention or suppression of disease is deemed to have created, committed or maintained a nuisance."

- b. There was no running water available at the property. This is contrary to section 6(b) of the Minimum Housing and Health Standards which states: “Adequate water volume and pressure shall be provided to ensure the proper operation and flushing of all fixtures.” And section 9 of the Minimum Housing and Health Standards which states: “Every building used in whole or in part, as housing premises must be supplied with potable water supply of sufficient volume, pressure and temperature to serve the needs of the inhabitants. (a) All hot running water shall be maintained at a temperature of not less than 46 degrees C and not more than 60 degrees C measured at the plumbing fixture.”
- c. There was no continuous power/electricity available at the property. This is contrary to section 11 of the Minimum Housing and Health Standards which states: “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.”
- d. There was no functioning kitchen provided. This is contrary to section 14(a) of the Minimum Housing and Health Standards which states: “Every housing premises shall be provided with a food preparation area which includes (i) 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 (ii) cupboards or other facilities suitable for the storage of food; and (iii) a counter or table used for food preparation which shall be of sound construction and furnished with surfaces that are easily cleaned and (iv) 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.”
- e. There was no adequate sanitary facilities provided. This is contrary to section 7(a) of the Minimum Housing and Health Standards which states: “Except where exempt by regulation, every housing premises shall be provided with plumbing fixtures of an approved type consisting of at least a flush toilet, a wash basin and a bathtub or shower. (a) The washbasins and bathtub or shower shall be supplied with potable hot and cold running water.”
- f. There was no smoke detector present within the living structure. This is contrary to section 12 of the Minimum Housing and Health Standards which states: “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. (a) Smoke alarms shall be operational and in good repair at all times.”
- g. All windows were blocked with metal grates or boarded with wood blocking emergency egress. This is contrary to section 3(b) of the Minimum Housing and Health Standards which states: “Emergency Egress (i) 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. (ii) Windows referred to in section 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”). (iii) If the window referred in section 3(b)(i) is provided with security bars, the security bars shall be installed so they may be opened from the inside without the use of any tools or special knowledge. (iv) Notwithstanding section 3(b)(i), (ii) and (iii), alternate provisions for emergency egress may be approved by an executive officer where, after consultation with a safety codes officer, the executive officer is satisfied that the alternate provisions provide for means of emergency egress.”

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 July 15, 2024.
2. That the owner ensures that the occupants vacate the above noted premises on or before July 15, 2024.
3. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Remove and dispose of all human waste in an appropriate manner at an appropriate disposal facility.
 - b. Provide hot and cold, potable running water.
 - c. Provide power/electricity and ensure all outlets, switches, wires and fixtures are properly installed, provided with covers and maintained in a good and safe working condition.
 - d. Provide adequate kitchen facilities.
 - e. Provide adequate washroom facilities.
 - f. Provide an adequate number of smoke alarms in appropriate locations.
 - g. Ensure all windows are of adequate size for emergency egress and are not blocked by immovable security features.
 - h. Ensure any work completed or any activities occurring on the property are in compliance with your development permit and/or requirements put in place by Clearwater County.
4. 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 Rocky Mountain House, Alberta, on June 28, 2024

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 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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Copy: Clearwater County
SCAN Alberta Sheriffs