

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

To: Ross Atley
"the Owner"

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

RE: Those housing premises located in Edmonton, Alberta and municipally described as:
Basement - 10150 159 Street NW Edmonton, Alberta T5P 2Z9

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 window in the North bedroom could not be fully opened (the window made contact with the sides of the window jamb during opening).
- b. The window in the East bedroom was too small to meet emergency egress requirements (the openable area of the window window measured 13.5" x 19.5").
- c. The window in the North bedroom was not capable of being locked/secured.
- d. There were no working smoke alarms present in the basement suite to notify the tenants in the event of an emergency.
- e. The ceiling surrounding the vent was water damaged.
- f. A number of the finishes throughout the basement suite were damaged, including: the flooring in the bedrooms, the ceiling of the bedrooms, and the walls/ceilings of the laundry 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. The window in the North bedroom could not be fully opened (the window made contact with the sides of the window jamb during opening). This is in contravention of Section 3(b)(i) of the Minimum Housing and Health Standards which states that "*(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.*"
- b. The window in the East bedroom was too small to meet emergency egress requirements (the openable area of the window window measured 13.5" x 19.5"). This is in contravention of Section 3(b)(ii) of the Minimum Housing and Health Standards, which

states that *“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”).*”

- c. The window in the North bedroom was not capable of being locked/secured. This is in contravention of Section 3(a) of the Minimum Housing and Health Standards, which states that *“Exterior windows and doors shall be capable of being secured.”*
- d. There were no working smoke alarms present in the basement suite to notify the tenants in the event of an emergency. This is in contravention of Section 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. (a) Smoke alarms shall be operational and in good repair at all times.”*
- e. The ceiling surrounding the vent was water damaged. This is in contravention of Section 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.”*
- f. A number of the finishes throughout the basement suite were damaged, including: the flooring in the bedrooms, the ceiling of the bedrooms, and the walls/ceilings of the laundry room. This is in contravention of Section 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.”*

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 October 24, 2022.
2. That the Owner immediately undertake and pursue the completion of the following work in and about the above noted premises, namely:
 - a. Adjust the window in the North bedroom to ensure it is capable of opening past the side jambs to a fully open position (ensure the window is capable of being maintained in an open position during egress with a minimum openable area of 3.8 feet squared {with no dimension less than 15 inches}).
 - b. Modify the window and window well of the East bedroom to ensure the openable area of the window measures at least 3.8 feet squared (with no dimension less than 15 inches).
 - c. Replace the lock for the North bedroom window to ensure the window is capable of being secured.
 - d. Install working smoke alarms between the bedrooms and the remainder of the suite to notify the tenants in the event of an emergency.
 - e. Remove the water damaged material around the ceiling vent and replace with new materials.
 - f. Repair the damaged finishes throughout the suite, including: the flooring in the bedroom, the ceiling of the bedroom, and the walls/ceilings of the laundry 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 Edmonton, Alberta, October 19, 2022.

Confirmation of a verbal order issued to Ross Atley on September 22, 2022.

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.

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 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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Edmonton • Environmental Public Health

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www.albertahealthservices.ca/eph.asp