

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

To: Xinjia Zhang Xiu Ling Cai Ron D'Haese
"the Owner" "the Owner" "the Owner"

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

RE: Those housing premises located in Edmonton, Alberta and municipally described as:

11406 88 Street NW, Edmonton Alberta T5B 3R1

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 West bedroom egress window was missing the window crank. As a result, it was not possible to open the window in the event of an emergency.
- b. The Northeast bedroom egress window was nailed shut (there was a nail present to the left of the window within the window track).
- c. There was no smoke alarm outside of the main floor bedrooms.
- d. The exterior back door of the home did not have a functioning lock.
- e. There was sewage present along the floor of the basement. The tenant indicated a sewage back-up had occurred.
- f. There were signs of a cockroach infestation present at the time of inspection. Live cockroaches were observed on the main floor and dead cockroaches were observed in the basement.
- g. The foundation was in disrepair. Light could be seen through the foundation on the East side of the home when viewed from the basement. Furthermore the walls were bowing.
- h. The light in the main floor Northeast bedroom was not in operation at the time of inspection.
- i. There were large cracks present along the ceiling in the kitchen.
- j. Many of the finishes in the home were in disrepair (including in the kitchen and washroom).
- k. The space between the balusters along the guard of the front step of the home were greater than 4 inches apart.
- l. The sink in the washroom was broken.
- m. The bathtub faucet was in disrepair.
- n. The living room window, West bedroom window, kitchen window, and window of the room located behind the kitchen were cracked/broken at the time of inspection.
- o. Many of the windows were missing insect screens.

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 West bedroom egress window was missing the window crank. As a result, it was not possible to open the window in the event of an emergency. This is in contravention of section 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. The Northeast bedroom egress window was nailed shut (there was a nail present to the left of the window within the window track). This is in contravention of section 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 smoke alarm present outside of the bedrooms. 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.”*
- d. The exterior back door of the home did not have a functioning lock. 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.”*
- e. There was sewage present along the floor of the basement. The tenant indicated a sewage back-up had occurred. This is in contravention of section 6(a) of the Minimum Housing and Health Standards, which states that *“The plumbing system and the sanitary drainage system or private sewage disposal system, as the case may be, including drains, fixtures, traps, vents, stacks, waste disposal facilities, pumpout sewage holding tanks, septic tanks and the disposal system shall be maintained in a proper operating condition.”*
- f. There were signs of a cockroach infestation present at the time of inspection. Live cockroaches were observed on the main floor and dead cockroaches were observed in the basement. This is in contravention of section 16(a) 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.”* Furthermore, that *“The owner shall ensure that the housing premises are free of insect and rodent infestations.”*
- g. The foundation was in disrepair. Light could be seen through the foundation on the East side of the home when viewed from the basement. Furthermore the walls were bowing. This is in contravention of sections 1 (a) and 1(b) of the Minimum Housing and Health Standards, which state that *“The housing premises shall be structurally sound.”*, and that, *“Basements, cellars or crawl spaces shall be structurally sound, maintained in good repair and free from water infiltration and accumulation.”*
- h. The light in the main floor Northeast bedroom was not in operation at the time of inspection. This is in contravention of section 11 of the Minimum Housing and Health Standards, which states *“Every house 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.”*

- i. There were large cracks present along the ceiling in the kitchen. This is in contravention of section 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.”*
- j. Many of the finishes in the home were in disrepair (including in the kitchen and washroom). This is in contravention of sections 5(a) and 5(b) of the Minimum Housing and Health Standards, which states that *“(a) Rooms containing a flush toilet and/or a bathtub or shower shall have walls and floors that are smooth, non-absorbent to moisture and easy to clean. All walls shall form a watertight joint with each other, the floor, the ceiling and where applicable with the bathtub or shower. (b) 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.”*
- k. The space between the balusters along the guard of the front step of the home were greater than 4 inches apart. This is in contravention of section 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. The sink in the washroom was broken. This is in contravention of section 6(a) of the Minimum Housing and Health Standards, which states that *“The plumbing system and the sanitary drainage system or private sewage disposal system, as the case may be, including drains, fixtures, traps, vents, stacks, waste disposal facilities, pumpout sewage holding tanks, septic tanks and the disposal system shall be maintained in a proper operating condition.”*
- m. The bathtub faucet was in disrepair. This is in contravention of section 6(a) of the Minimum Housing and Health Standards, which states that *“The plumbing system and the sanitary drainage system or private sewage disposal system, as the case may be, including drains, fixtures, traps, vents, stacks, waste disposal facilities, pumpout sewage holding tanks, septic tanks and the disposal system shall be maintained in a proper operating condition.”*
- n. The living room window, West bedroom window, kitchen window, and window of the room located behind the kitchen were cracked/broken at the time of inspection. This is in contravention of section 2(b)(i) of the Minimum Housing and Health Standards, which states that *“All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof.”*
- o. Many of the windows were missing insect screens. This is in contravention of section 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.”*

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 May 1, 2022.
2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:

- a. Replace the window crank for the West bedroom egress window and remove the nail from the track of the Northeast bedroom egress window. Ensure all bedrooms/sleeping areas are provided with an adequate means of emergency egress.
 - b. Install a working smoke alarm outside of the bedrooms. Ensure a working smoke alarm is present at all times to notify tenants in the event of a fire.
 - c. Install a properly working lock on the back door of the home.
 - d. Clean the sewage from the basement. Retain a qualified plumbing professional to inspect the plumbing and sanitary system and make any necessary repairs so that the plumbing and sanitary system are in good repair (including the sink in the washroom and the bathtub faucet). **Provide documentation to this office in regards to the inspection and repairs.**
 - e. Retain a qualified pest control professional to treat and remove the cockroach infestation. **Provide documentation to this office in regards to any treatments and inspections conducted.**
 - f. Retain a qualified engineer to assess the structural integrity of the foundation. **Provide documentation to this office in regards to the engineer's report(s) and recommendation(s).** If repairs are to be conducted to the foundation, ensure a permit from the City of Edmonton is obtained and any repairs are conducted in compliance with the permit requirements.
 - g. Repair or replace any windows that are in disrepair. Ensure that all windows are: maintained in good repair, free of cracks and weatherproof; are double glazed or are provided with a storm sash; and are capable of being secured.
 - h. Repair the light in the main floor Northeast bedroom and ensure it is maintained in proper working condition.
 - i. Repair the cracks along the ceiling of the kitchen and repair any of the damaged finishes in the kitchen and washrooms to ensure they are smooth and easy to clean.
 - j. Modify the guard on the front step of the home to ensure the balusters are spaced no more than 4 inches apart. Alternatively, install a method of preventing access to the spacing between the balusters.
 - k. Replace any of the missing insect screens. Ensure all openable windows are supplied with insect screens.
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 Edmonton, Alberta, April 8, 2022

Confirmation of a verbal order issued to Ron D’Haese on April 7,2022.

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>

Edmonton • Environmental Public Health

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www.albertahealthservices.ca/eph.asp