

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

To: Xiu Ling Cai
"the owner"

Gina Cai
"the owner" (representative and property manager)

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

RE: Those housing premises located in Edmonton, Alberta and municipally described as:
11635-123 Street NW, Basement
Lot 12, Block 35, Plan RN46

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 facing wall in the kitchen/sleeping area next to the kitchen was in disrepair. It was cracked and bubbling.
- b. The wall, floors and ceiling surfaces throughout the basement showed evidence of water damage. Water stains were observed and the protimeter detected high moisture levels under the kitchen sink and base cabinets, on the hallway baseboards, on the bathroom ceiling and on the bedroom wall.
- c. The window above the kitchen sink had no mechanism of holding the window in place when it was opened.
- d. One of the windows in the sleeping area had no locking mechanism.
- e. The window in one of the sleeping areas was not large enough for egress. The window was measured at 33 inches X 10.5 inches, yielding an open-able area of less than 3.8 square feet.
- f. The window in the bedroom was not large enough for egress. The window was measured at 15 inches X 24.5 inches, yielding an open-able area of less than 3.8 square feet.
- g. The windows in habitable rooms (the kitchen and the sleeping area next to the kitchen) were not adequate as they had either a storm pane or inner pane missing.
- h. Several windows that were open-able/used for ventilation had insect screens that did not fit properly into the window frame. This included the window in the kitchen, sleeping area next to the kitchen and the bedroom.

- i. The smoke alarms in the bedroom/sleeping area and hallway were not operational.
- j. The plumbing under the kitchen sink was in disrepair; water was leaking from the drain pipe.

AND WHEREAS such inspection disclosed that the following breaches of the Public Health Act and the Housing Regulation, Alberta Regulation 173/99, Nuisance and General Sanitation Regulation Alberta Regulation 243/2003 and the Minimum Housing and Health Standards exist in and about the above noted premises, namely:

- a. Violation [a], which is in contravention of section III(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.
- b. Violation [b], which is in contravention of section III(1)(b) and (c) of the Minimum Housing and Health Standards which states that: basements, cellars or crawl spaces shall be structurally sound, maintained in good repair and free from water infiltration and accumulation; and Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- c. Violation [c], which is in contravention of section III (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.
- d. Violation [d], which is in contravention of section III (3)(a) of the Minimum Housing and Health Standards which states that: Exterior windows and doors shall be capable of being secured.
- e. Violations [e and f], which are in contravention of section III 3(b)(i) 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 0.35m^2 (3.8ft²), with no dimensions less than 380mm (15”).
- f. Violation [g], which is in contravention of section III 2(b)(ii) of the Minimum Housing and Health Standards which states that: In housing premises intended for use during the winter months, windows in habitable rooms shall protect against cold weather through the provision of a storm sash, double glazing, or other durable thermal/air resistant barrier as may be approved by the Executive Officer.
- g. Violation [h], which is in contravention of section III 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.
- h. Violation [i], which 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.

- i. Violation [j], which is in contravention of section IV 6 (a) and (c) of the Minimum Housing and Health Standards which states that: Every housing premises shall be connected to the public sewage system, or to an approved private sewage disposal system. 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. All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.

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 **immediately**.
2. As this building potentially contains hazardous materials and/or was built prior to 1990, you must retain the services of an **Environmental Consultant or Industrial/Occupational Health Hygienist, approved by Alberta Health Services; and, prior to any renovations being completed, you must have the Environmental Consultant** assess the conditions within the above noted premises including applicable sampling for asbestos containing materials.

Provide a detailed assessment report and scope of work plan including a hazardous materials audit and management plan, as prepared by the Environmental Consultant, for review by Alberta Health Services.

Ensure that any additional renovation work, including painting, reinstallation of drywall and laying of new flooring and/or sub floors does not occur until suitable air sample results are received and are to the satisfaction of Alberta Health Services.

The owner is responsible for ensuring that any work is conducted in safe manner.

3. That the owner undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Ensure all water damaged material is removed including flooring, ceilings, and walls. This work must be done by a Licensed Environmental Consultant or Industrial/Occupational Health Hygienist.
They must:
 - i. Assess the conditions within the above noted premises including carrying out of environmental air quality analyses of the interior spaces (including the wall and floor cavities) for water and mould damage.
 - ii. Remove the water damaged material. The area must be opened, dried and cleaned.
 - iii. Conduct air monitoring to ensure all contaminants have been identified and removed. Air sampling is to be carried out in accordance with

Alberta Health Services Fungal Air Testing, Investigation and Reporting Requirements for Mould Remediation. A copy of this report must be submitted to this office for review.

- b. Ensure all walls, windows, ceilings, floors, and floor coverings are maintained in good repair, free of cracks, holes, loose or lifting coverings and in a condition that renders it easy to clean.
 - c. Ensure all basements, cellars or crawl spaces are structurally sound, maintained in good repair and free from water infiltration and accumulation.
 - d. Ensure that any, and all, building materials that have been damaged or show evidence of rot or other deterioration are repaired or replaced.
 - e. Repair or replace the window above the kitchen sink so it is good repair. Ensure all windows and exterior doors are maintained in good repair, free of cracks and are weatherproof.
 - f. Install a locking mechanism on the window in the sleeping area. Ensure exterior windows shall be capable of being secured.
 - g. Ensure each bedroom/sleeping area has at least one window which may be opened from the inside without the use of tools or special knowledge; and windows provide unobstructed openings with areas not less than 0.35m² (3.8ft²), with no dimensions less than 380mm (15”).
 - h. Ensure windows in habitable rooms protect against cold weather through the provision of a storm sash, double-glazing, or other durable thermal/air resistant barrier.
 - i. Install insect screens in all windows that can be opened in the suite and ensure they are properly fitted. Ensure 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 is supplied with effective screens.
 - j. Install smoke alarms in the hallway. Ensure smoke alarms are operational and in good repair at all times.
 - k. Repair the plumbing under the kitchen sink. Ensure all plumbing fixtures are serviceable, free from leaks, tapped and vented to the outside.
 - l. Take any further steps in the interests of preserving and maintaining the health of any person who may, in the future, occupy the above noted premises as may be required by the Executive Officer.
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 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 21, 2016.

Confirmation of a verbal order issued to Gina Gai, on September 30, 2016.

____(Original Signed)____

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, Telus Plaza North Tower
10025 Jasper Avenue NW
Edmonton, Alberta, T5J 1S6
Phone: 780-427-2813
Fax: 780-422-0914
Email: HealthAppealBoard@gov.ab.ca
Website: <http://www.health.alberta.ca/about/PHAB.html>

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: www.health.alberta.ca/about/health-legislation.html

Edmonton • HSBC Building • Environmental Public Health
Suite 700, 10055 – 106 Street NW, Edmonton, Alberta, Canada T5J 2Y2
www.albertahealthservices.ca/eph.asp