

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

To: Christine Wagner Alex Lazutin
 "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:

11943 88 Street NW Edmonton, Alberta T5B 3S2

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. Two of the foundation walls within the basement of the home were significantly damaged. One of the walls was bowed and beginning to crumble (the concrete within this space appeared to be damp). The other foundation wall was crumbled (a basement window previously located within the wall had fallen out).
- b. The gas service to the home had been disconnected due to the foundation wall damage in the basement. As a result, the furnace was not in operation and could not provide a temperature of 22 degrees Celsius to the habitable areas of the home.

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. Two of the foundation walls within the basement of the home were significantly damaged. One of the walls was bowed and beginning to crumble (the concrete within this space appeared to be damp). The other foundation wall was crumbled (a basement window previously located within the wall had fallen out). This is in violation of Section 1(b) 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."*
- b. The gas service to the home had been disconnected due to the foundation wall damage in the basement. As a result, the furnace was not in operation and could not consistently provide a temperature of 22 degrees Celsius to the habitable areas of the home. This is in violation of Sections 8(a) and 8(d) of the Minimum Housing and Health Standards, which state that *"All heating facilities within a housing premises are to be properly installed and maintained in good working condition, and be capable of safely and adequately heating all habitable rooms, bathrooms, and toilet rooms within the building to a temperature of ; (i) at*

least 22°C(71°F), or (i) maintained at a temperature of at least 22°C(71°F) when the control of the supplied heat in a dwelling is the responsibility of a person other than the occupant.”; and furthermore that, “Every owner must ensure a continuous supply of electricity, water and heat unless the rental agreement stipulates that such utility services are the sole responsibility of the occupant.”

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 February 20, 2023.
2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Hire the services of a structural engineer to assess the damage to the foundation walls. Conduct repairs to the foundation walls in accordance with the engineer’s recommendations.
 - b. Once repairs to the foundation walls have been conducted, reconnect the gas service to the home and ensure the furnace is maintained in a proper, operating condition.
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, February 6, 2023

Confirmation of a verbal order issued to Alex Lazutin on February 6, 2023.

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>

Template revised October 13, 2022

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www.albertahealthservices.ca/eph.asp