

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

**To:** Dwight Everett Hagan  
"the Owner"

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

**RE:** Those housing premises located in Edmonton, Alberta and municipally described as:  
12734 69 Street NW

**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 conditions noted in the Closed for Tenant Accommodation Purposes Order issued on August 3, 2021 are outstanding.
- b. The Closed for Tenant Accommodation Purposes Order/Order to Vacate issued on August 3, 2021 is not complied with, as the premises was occupied during an inspection on August 30, 2022.
- c. There was no water service provided to the premises.
- d. There was no gas service provided to the premises.
- e. The majority of the windows were boarded from the exterior.
- f. The front exterior steps were missing, and there was a drop of greater than 3 feet from the front porch.
- g. The basement was being used as a bedroom, and there was no means of emergency egress.
- h. There was no operational smoke alarm installed in or near the main floor bedrooms.
- i. There was no operational smoke alarm installed in or near the basement makeshift bedroom.

**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. Item [c] is in contravention of section IV(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 a 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 (114 degrees F), and not more than 60 degrees C (140 degrees F) measured at the plumbing fixture.

- b. Item [d] is in contravention of section IV(8) of the Minimum Housing and Health Standards which states: 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 degrees C(71 degrees F), or (i) maintained at a temperature of at least 22 degrees C(710 degrees F) when the control of the supplied heat in a dwelling is the responsibility of a person other than the occupant. (b) When the outside temperature is colder than the winter design temperature as referenced in the Alberta Building Code(97) Section 2.2.1.1 and Appendix C, then the Executive Officer may permit an indoor temperature of less than 22 degrees C(71 degrees F) but greater than 16 degrees C (60 degrees F). (c) Cooking appliances and portable space heaters shall not be used as the primary source for the required heat to a habitable room. (d) 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.
- c. Items [e, g] are in contravention of section III(3)(b) of the Minimum Housing and Health Standards which states: 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.
- d. Item [f] is in contravention of section III(3)(c) of the Minimum Housing and Health Standards which states: 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. (ii) Notwithstanding section 3(c)(i), alternate provisions respecting handrails 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 a reasonable degree of safety.
- e. Items [h, i] are in contravention of section IV(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.

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

- a. Address the violations noted in the Closed for Tenant Accommodation Purposes Order issued on August 3, 2021.
  - b. Ensure that the water utility is restored to the premises.
  - c. Ensure that the gas utility is restored to the premises.
  - d. Ensure that the windows are maintained in good repair.
  - e. Ensure that sleeping areas have adequate means of emergency egress.
  - f. Install steps and guards leading to the front exterior porch. Ensure that the stairs and porch including all treads, risers, supporting structural members, handrails, guards are maintained in good repair and comply with the requirements of the Alberta Building Code.
  - g. Install operational smoke alarms in the hallway outside the sleeping areas. Ensure that the smoke alarms are operational and in good repair at all times.
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, August 31, 2022

Confirmation of a verbal order issued to Dwight Hagan on August 30, 2022.

Confirmation of a verbal order issued to tenants/occupants on August 30, 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](mailto: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 Queen's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or [www.qp.gov.ab.ca](http://www.qp.gov.ab.ca).

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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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