

ORDER OF AN EXECUTIVE OFFICER

To: 2073405 Alberta Ltd.
"the Owner"

Mike Everitt
"the Owner"

Russell Forfar
"the Owner"

Nazly Taheri
"the Owner"

RE: Those housing premises located in Edmonton, Alberta and municipally described as:
Common Areas and Suites 12936/12940 118 Avenue NW
Legal Description: Plan 5998HW Block 17 Lot 66

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:

12936 118 Avenue NW

Common Areas

- a. There were broken windows on the east side / northeast corner of the second floor of the building.
- b. There wall and ceiling finishes were in disrepair in places.
- c. There was evidence of a cockroach infestation in the building.

Suite 1

- d. Window screens were missing.
- e. There was no operational smoke alarm.

Suite 5

- f. There was no operational smoke alarm.
- g. There was evidence of a cockroach infestation.

Suite 6

- h. The living room window and the bedroom window were missing insect screens.
- i. The base under the kitchen sink was in disrepair and water damaged.

Suite 8

- j. Window screens were missing.
- k. There was no operational smoke alarm.
- l. The bathroom fan was not in good repair.
- m. There was evidence of a cockroach infestation.

12940 118 Avenue NW

Common Areas

- n. The handrail was loose along the north (back) staircase between the second and third floor.
- o. The front door could not be adequately secured.
- p. There was evidence of a cockroach infestation in the building.

Suite 2

- q. The back (southwest) bedroom window screen was ill-fitting.
- r. There were electrical issues requiring repair: a south electrical fixture was in disrepair; a south electrical plug was in disrepair and not flush to the wall.

Suite 5

- s. The bedroom window did not lock.
- t. The living room window did not lock.
- u. The bathtub surface was not smooth and easily cleanable.

Suite 8

- v. Further sealing required along the joint between the kitchen counter and the backsplash.
- w. Bathroom finishes were in disrepair in places including: there was a hole in the bathroom wall; further sealing required along the bathtub joints and around the window casing.
- x. There was no operational smoke alarm.
- y. There was evidence of a cockroach infestation.

Suite 9

- z. The bedroom window was missing an insect screen.
- aa. The bedroom window was not an adequate means of emergency egress: the opened to 495 mm (19 ½ inches) by 610 mm (24 inches) which was too small, and the window did not stay in the open position.
- bb. Bathtub surface was peeling and was not easily cleanable.
- cc. There was no operational smoke alarm.

Suite 11

- dd. The northeast bedroom window screen was missing.
- ee. The northeast bedroom window did not lock.
- ff. The northeast bedroom window was too small for emergency egress.
- gg. There was no operational smoke alarm.
- hh. There was evidence of a cockroach infestation.

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. Items (i, u, bb) are in contravention of section III(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.
- b. Item (a) is in contravention of section III(2)(b)(i, ii) of the Minimum Housing and Health Standards which states that: (i) All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof. (ii) 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.
- c. Items (d, h, j, q, z, dd) are 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.

- d. Items (o, s, t, ee) are 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. Items (aa, ff) are in contravention of section III(3)(b) 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. (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.
- f. Item (n) is in contravention of section III(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.
- g. Items (b, v, w) are 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. (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.
- h. Item (l) is in contravention of section IV(7)(c) of the Minimum Housing and Health Standards which states that: All rooms containing a flush toilet and/or bathtub or shower shall be provided with natural or mechanical ventilation.
- i. Item (r) is in contravention of section IV(11) of the Minimum Housing and Health Standards which states that: Every housing 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.
- j. Items (e, f, k, x, cc, gg) are in contravention of section IV(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.
- k. Items (c, g, m, p, y, hh) are in contravention of section V(16)(a) of the Minimum Housing and Health Standards which states that: (a) The owner shall ensure that the housing premises are free of insect and rodent infestations; and (i) all situations requiring the application of pesticides must be applied in accordance with the Environmental Protection and Enhancement Act and regulation; and (ii) whenever a pesticide is applied in a dwelling, the occupant shall be notified in accordance with the latest edition of the Environmental Code of Practice for Pesticides published by Alberta Environmental Protection. (iii) it is the occupants responsibility to allow

access in accordance to the Residential Tenancy Act to do whatever is necessary to ensure the dwelling unit is ready for pesticide application.

- I. Item (r) is in contravention of section 5(2) of the Housing Regulation (AR 173/99) which states that: No person shall cause or permit any condition in housing premises that is or may become injurious or dangerous to the public health, including any condition that may hinder in any way the prevention or suppression of disease.

NOW THEREFORE, I hereby **ORDER** and **DIRECT**:

1. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Repair or replace the base under the kitchen sink in Suite 6, 12936 118 Avenue, so that it is in good repair.
 - b. Repair or replace bathtub surfaces that are rough, peeling, or are otherwise difficult to clean, such as in Suites 5 and 9, 12940 118 Avenue.
 - c. Ensure that all building materials that have been damaged or show evidence of rot or other deterioration are repaired or replaced.
 - d. Repair or replace all windows that are in disrepair so that all windows are in good repair, free of cracks, waterproof, and are double paned or are otherwise adequately weatherproof.
 - e. Ensure that all windows intended for ventilation are supplied with effective screens.
 - f. Ensure that all exterior windows and doors, of both the building and the individual suites, are capable of being secured.
 - g. Ensure that all rooms used for sleeping have at least on outside window that: can be opened from the inside without the use of tools or special knowledge; has an unobstructed opening with an area of not less than 0.35 m² (3.8ft²), with no dimension less than 380 mm (15"); and can remain in open position without assistance.
 - h. Ensure that all interior stairs have handrails that are adequately secured to the wall and comply with the current Alberta Building Code.
 - i. Ensure that all finishes are in good repair, free of cracks, holes, loose or lifting coverings and in a condition that renders them easy to clean. Rooms containing a flush toilet and/or a bathtub or shower must have walls and floors that are smooth, non-absorbent to moisture and easy to clean, with all walls having watertight joints with each other, the floor, the ceiling and where applicable with the bathtub or shower. Kitchens must have walls and floors constructed of materials which do not provide harbourage to dirt, grease, vermin and bacteria and that are easily kept clean. This includes joints between backsplashes and counters.
 - j. Repair or replace the bathroom ventilation fan in Suite 8, 12936 118 Avenue, so that it is in proper working order.
 - k. Ensure that the building's electrical service is in good repair. Outlets, switches, and fixtures are to be properly installed and maintained in a good and safe working condition.
 - l. Ensure that smoke alarms are installed in all occupied suites, between each sleeping area and the remainder of the suite. The smoke alarms: must be operational and in good repair at all times; must not be painted over; and must be less than 10 years old.
 - m. Hire a certified pest control company to inspect and develop a treatment plan for both entire buildings. An integrated pest control management program must be implemented for the building and all recommendations of the certified pest control company must be followed. **Reports are to be submitted to this office.**

2. The work referred to in paragraph 1 shall be completed by following dates:
- a. Item (f, h, l) to be completed by September 10, 2021
 - b. Item (e, j, k) to be completed by September 21, 2021
 - c. Item (m) to be implemented by September 21, 2021 until the buildings are free of cockroaches. Pest control plan to be submitted to this office by September 21, 2021. **Pest control reports are to be submitted to this office on an ongoing basis until the buildings are free of cockroaches.**
 - d. Item (a, b, c, d, i) to be completed by October 5, 2021
 - e. Item (g) to be completed by November 9, 2021, with documentation such a written plan or window order to be provided to this office by September 21, 2021

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, September 7, 2021

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

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780-427-4518 or by visiting: <https://www.alberta.ca/health-standards-and-guidelines.aspx>

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www.albertahealthservices.ca/eph.asp