

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

To: **2329402** Alberta Ltd. Roman Bouz Salvador Villanueva
 "the Owner" "the Owner" "the agent"

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

RE: Those housing premises located in Edmonton, Alberta and municipally described as:
13023 127 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 laminate floor tiles in the hallway were in disrepair.
- b. Several bedroom door hinges were in disrepair, the pins were not placed properly or replaced by nails.
- c. The grout around the main floor bathtub were in disrepair and need to be re-caulked.
- d. The main floor hand sink faucet handle was in disrepair.
- e. The main floor hand sink was not draining properly.
- f. The doorbell cover was missing.
- g. There was a hole on the drywall under the hood range.
- h. Several kitchen cupboard front covers were not openable.
- i. The main floor countertop was peeling off.
- j. The backdoor showed weatherproofing deficiencies, gaps around the door were noticed from inside.
- k. There was a bird nest in the electrical box on the east side of the building.
- l. There were no guardrails installed on the stairs leading to the basement.
- m. There was water damage and mould growth in the basement laundry area and the bathroom, including floor coverings and drywall.
- n. There was evidence of water infiltration in the basement.
- o. Reportedly the drain was not operational properly in the laundry area.
- p. The linoleum floor tiles were in disrepair in the laundry area.
- q. There was no smoke alarm installed in the basement where 2 rooms were being used as bedrooms.
- r. The basement bedroom window openings were too small for egress purposes, one was measured 21 inches X 20 inches, and the others were even smaller.

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 (a, c, g and p) 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.
- b. Item (b) is in contravention of section III(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.
- c. Items (f and k) are in contravention of section III (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
- d. Items (d, e and o) are in contravention of section III (6) 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. (a) 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. (c) All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.
- e. Items (h and i) are in contravention of section IV (14)(a) of the Minimum Housing and Health Standards which states that: Every housing premises shall be provided with a proper food preparation area, which includes:(ii) cupboards or other facilities suitable for the storage of food; and (iii) a counter or table used for food preparation which shall be of sound construction and furnished with surfaces that are easily cleaned.
- f. Item (j) is in contravention of section III(2)(b)(i) 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 waterproof.
- g. Item (l) 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.
- h. Items (m and n) are in contravention of section III (1) of the Minimum Housing and Health Standards which states that: (b) Basements, cellars or crawl spaces shall be structurally sound, maintained in good repair and free from water infiltration and accumulation. (c) Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced. (d) Repairs or modifications required by the Executive Officer of any structural element of the housing premises may require the design and/or

- supervision of a professional structural engineer or a Safety Codes Officer (Building Discipline).
- i. Item (q) is 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.
 - j. Item (r) is in contravention of section III(3)(b) of the Minimum 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.

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 **on or before November 11, 2022**.
2. That the Owner undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Retain the services of an Environmental Consultant or Industrial/Occupational Health Hygienist, that must be approved by Alberta Health Services and prior to the commencement of renovation or repairs:

As this premise was built prior to 1990, the presence of asbestos within building materials is likely thus precautions must be taken. The consultant must assess the conditions within the above noted premises including performing applicable sampling for asbestos containing materials.

In the event asbestos is present provide Environmental Public Health with a written asbestos management/abatement plan in accordance with the Alberta Occupational Health and Safety Code for Asbestos abatement. Ensure proper removal/handling of impacted materials follow current codes and standards.

Have the environmental consultant assess the conditions within the above noted premises for all water damaged materials and mould. A full pre mould remediation inspection report is required. At a minimum the report must describe the building construction, finishes, materials and components and

recommendations for restoration. All hazardous building materials are to be properly managed and disposed of in accordance with government standards and guidelines and industry codes of practice. Once the materials have been removed and a post mould remediation report is required this will include photographic evidence that all moldy material has been removed and environmental air quality sampling. Testing and reporting shall follow the requirements outlined in Alberta Health Services' Fungal Air Testing Protocol.

- b. Hire a qualified plumber to assess the conditions of the plumbing system and conduct any necessary repairs to correct the sources of water infiltration to the basement. Ensure all the plumbing fixtures include the drains are serviceable, free from leaks, trapped and vented to the outside.
 - c. Remove and replace all damaged or mouldy material includes all damaged ceilings, drywalls and floor coverings. Ensure all walls, 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.
 - d. Install weather stripping around the back door. Ensure that all exterior doors are properly weather proofed.
 - e. Repair or replace all damaged door hinges.
 - f. Remove all nuisance conditions which includes doorbell box disrepair, and the bird nest in the electrical box outside.
 - g. Repair the damaged countertop and the dysfunctional cupboard, ensure the food preparation facilities are well maintained and in good shape.
 - h. Install a guard on the stairs leading to the basement. Ensure the stairs, railings and guards are maintained in good repair and are constructed in accordance with current building codes.
 - i. Install a functioning smoke alarm on the ceiling in the basement outside the rooms which were used as bedrooms. Ensure that all smoke alarms are functioning and are less than 10 years old.
 - j. Ensure the room in the basement is not used for sleeping purposes, OR to modify the window to meet the emergency egress requirements which can stay open on its own and provide an opening of at least 0.35m² for egress.
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 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, November 8, 2022.

Executive Officer
Alberta Health Services

Confirmation of a verbal order issued to **Salvador Villanueva**, October 28, 2022.

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 King'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 King'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>