

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

To: 2347225 Alberta Ltd. Kit Poon Peter Poon Ron Wai
"the Owner" "the Owner" "the Owner" "the Owner"

Fadil Murati Kevin Schotts
"the Manager" "the Manager"

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

RE: Those housing premises located in Edmonton, Alberta and municipally described as:
309 – 15809 102 Avenue NW Edmonton, Alberta T5P 4P7

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 front door to the unit was significantly damaged at the time of the inspection. The door had been torn away from the frame and was unable to be closed, latched and secured.
- b. The bathtub within the suite was filled with fecal material and vomitus.
- c. The window in the sleeping space did not meet egress requirements. The openable area of the window measured 17.5" x 24.5" (2.977 feet squared).
- d. There were drugs and used drug paraphernalia present along the kitchen counter.
- e. The walls throughout the suite were damaged and had large holes present.
- f. One of the light switches was significantly cracked and broken.
- g. The casing around the front entrance door and the wall adjacent to the living room were cracked and damaged.

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. The front door to the unit was significantly damaged at the time of the inspection. The door had been torn away from the frame and was unable to be closed, latched and secured. This is in contravention of Sections 3(a) and 1(c) of the Minimum Housing and Health Standards, which state that "*Exterior windows and doors shall be capable of being secured.*", and furthermore that, "*Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.*"

- b. The bathtub within the suite was filled with fecal material and vomitus. This is in contravention of Section 6(c) of the Minimum Housing and Health Standards and Section 5(2) of the Alberta Housing Regulation (AR 173/199), which state (respectively) that *“All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.”*, and furthermore 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.”*
- c. The window in the sleeping space did not meet egress requirements. The openable area of the window measured 17.5” x 24.5” (2.977 feet squared). This is in contravention of Section 3(b)(ii), which states that *“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”).”*
- d. There were drugs and used drug paraphernalia present along the kitchen counter. This is in contravention of Section 5(2) of the Alberta 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.”*
- e. The walls throughout the suite were damaged and had large holes present. This is in contravention of Section 5 of the Minimum Housing and Health Standards, which state 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.”*
- f. One of the light switches was significantly cracked and broken. This is in contravention of Section 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.”*
- g. The casing around the front entrance door and the wall adjacent to the living room were cracked and damaged. This is in contravention of Section 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.”*

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 March 24, 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. Repair the damaged door, door frame, and casing at the entrance to the suite. Ensure the door is capable of being closed, latched, and locked.
 - b. Clean the bathtub within the washroom. Ensure the bathtub, toilet, and handwash sink in the bathroom are in proper operating condition.
 - c. Repair or replace the window in the sleeping space to ensure it meets emergency egress requirements.
 - d. Clean the drug paraphernalia from the counter in the kitchen.

- e. Repair the damaged walls throughout the suite.
 - f. Repair the damaged light switch. Replace the light switch plate cover.
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, March 7, 2023.

Confirmation of a verbal order issued to Fadil Murati & Kevin Schotts on March 2, 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>

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RE: The premises located in Edmonton, Alberta and municipally described as: 309 – 15809 102 Avenue NW Edmonton, AB T5P
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