

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

To: Estate of Anton &/or Anne Agopsowicz, and Kate Agopsowicz
“the Owner”

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

RE: Those housing premises located in Leduc County, Alberta and municipally described as:
50141 Range Road 223

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 smoke alarms are missing or are not operational throughout the premises.
- b. Evidence of a bat infestation at the premises including observation of dead bats inside the furnace and bat droppings/guano in the basement around and inside the brick chimney.
- c. Mouse infestation at the premises including observation of a live mouse in the kitchen and mice droppings throughout the premises including in the kitchen, basement, crawlspace, and bedroom closets.
- d. The sewage disposal pipe in the basement is leaking and is no longer in good repair.
- e. Water observed on the basement floor in the North East room and South East mechanical room. Full bucket of water observed under the pressure tank valve in the mechanical room.
- f. Drywall, carpets, and other building materials in the North East room and South East mechanical room are wet.
- g. There is evidence of dark growth/staining consistent with mould growth observed on the drywall and wood panel material in South East mechanical room.
- h. Electrical plate covers and light switch covers throughout the premises are missing or damaged.
- i. Areas of the walls and ceilings throughout the premises are unfinished, damaged, or in a state of disrepair.
- j. Hand railing for the stairs leading to the second floor is missing and the railing on the second-floor landing does not appear to be adequately secured.

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, and the Nuisance and General Sanitation Regulation 243/2003 exist in and about the above noted premises, namely:

- a. The smoke alarms are missing or are not operational throughout the premises. This condition is in contravention of Section 12(a) 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. Smoke alarms shall be operational and in good repair at all times.”
- b. Evidence of a bat infestation at the premises including observation of dead bats inside the furnace and bat droppings/guano in the basement around and inside the brick chimney. These conditions are in contravention of Section 16(a) of the Minimum Housing and Health Standards, which states: “The owner shall ensure that all rooms and other areas used in common by the occupants of the individual dwellings are maintained in a clean and sanitary condition. (a) The owner shall ensure that the housing premises are free of insect and rodent infestations”. And Section 2(2)(e)(i) of the Nuisance and General Sanitation Regulation, which states: “Without limiting the generality of subsection (1), a person who creates, commits or maintains any accumulation or deposit of offensive matter, waste or manure wherever situated, that is or might become injurious or dangerous to the public health or that might hinder in any manner the prevention or suppression of disease is deemed to have created, committed or maintained a nuisance.”
- c. Mouse infestation at the premises including observation of a live mouse in the kitchen and mice droppings throughout the premises including in the kitchen, basement, crawlspace, and bedroom closets. These conditions are in contravention of Section 16(a) of the Minimum Housing and Health Standards, which states: “The owner shall ensure that all rooms and other areas used in common by the occupants of the individual dwellings are maintained in a clean and sanitary condition. (a) The owner shall ensure that the housing premises are free of insect and rodent infestations”. And Section 2(2)(e)(i) of the Nuisance and General Sanitation Regulation, which states: “Without limiting the generality of subsection (1), a person who creates, commits or maintains any accumulation or deposit of offensive matter, waste or manure wherever situated, that is or might become injurious or dangerous to the public health or that might hinder in any manner the prevention or suppression of disease is deemed to have created, committed or maintained a nuisance.”
- d. The sewage disposal pipe in the basement is leaking and is no longer in good repair. This condition is in contravention of Section 6(a) of the Minimum Housing and Health Standards, which states: “Every housing premises shall be connected to the public sewage system, or to an approved private sewage disposal system. 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.” And Section 3(2) of the Housing Regulation, which states: “an owner shall ensure that the housing premises’ plumbing system and facilities provided under subsection (1)(b) are free from defects and maintained in proper operating condition.”
- e. Water observed on the basement floor in the North East room and South East mechanical room. Full bucket of water observed under the pressure tank valve in the mechanical room. This condition is in contravention of Section 1(b) of the Minimum Housing and Health Standards which states: “Basements, cellars or crawl spaces shall be structurally sound, maintained in good repair and free from water in filtration and accumulation.” And Section 6(c) of the Minimum Housing and Health Standards, which

- states: “All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.”
- f. Drywall, carpets, and other building materials in the North East room and South East mechanical room are wet. This condition is in contravention of Section (1)(c) of the Minimum Housing and Health Standards, which states: “Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.”
 - g. There is evidence of dark growth/staining consistent with mould growth observed on the drywall and wood panel material in South East mechanical room. This condition is in contravention of Section 2(2)(h)(i) of the Nuisance and General Sanitation Regulation, which states: “No person shall create, commit or maintain a nuisance; Without limiting the generality of subsection (1), a person who creates, commits or maintains any building that, due to it’s not being in a clean state is or might become injurious or dangerous to the public health or that might hinder in any manner the prevention or suppression of disease is deemed to have created, committed or maintained a nuisance.”
 - h. Electrical plate covers and light switch covers throughout the premises are missing or damaged. This condition is in contravention of Section 11 of the Minimum Housing and Health Standards, which states: “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.”
 - i. Areas of the walls and ceilings throughout the premises are unfinished, damaged, or in a state of disrepair. These conditions are in contravention of Section 5 of the Minimum Housing and Health Standards, which states: “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.”
 - j. Hand railing for the stairs leading to the second floor is missing and the railing on the second-floor landing does not appear to be adequately secured. These conditions are in contravention of Section 3(c)(i) 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.”

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 August 26, 2022.
2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Install functioning smoke alarms in the proper locations throughout the premises.
 - b. Contract a professional company that specializes in handling hazardous waste for the clean-up and removal of bat feces/guano, mouse droppings, and any dead bats or mice. Provide our office with a report outlining work completed.
 - c. Contract a licensed Pest Control Operator to complete a full inspection of the premises to determine extent of bat and mouse infestation and identify all the entry points or harborage areas. Ensure that entry points are repaired and that

- appropriate pest control devices are properly placed to facilitate the eradication of the infestation(s). Provide our office with a report outlining work completed.
- d. Repair or replace plumbing fixtures so that they are in good working condition, free of leaks and are able to properly drain. Clean and disinfect contaminated areas of the housing premises in accordance with the public document General Cleaning and Disinfection of a Public Facility after a Flood.
 - e. Identify and repair source of water in basement mechanical room. Remove standing water from basement.
 - f. Assess the basement for extent of water damage and mould growth. Remove and replace all water damaged building material or building material that shows evidence of structural deterioration, rot or mould. Where mould growth is extensive, remediation must be conducted in accordance with recommendations from Alberta Health Services or a certified mould remediation company.
 - g. Ensure all electrical outlets and switches are in safe working condition and are provided with appropriate covers.
 - h. Repair or replace all damaged areas of walls, ceilings, floors and floor coverings to ensure that they are in good repair, free of cracks, holes, loose or lifting coverings and in a condition that renders them easy to clean.
 - i. Install a hand railing for the stairs leading to the second floor and ensure the railing on the second-floor landing is securely installed. Please ensure that the hand railing is installed in accordance with the Building Code requirements.
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 Leduc, Alberta, August 19, 2022
Confirmation of a verbal order issued to Kate Agopsowicz on August 18, 2022.

Executive Officer
Environmental Health Officer

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

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