

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

To: IBN Group Ltd, &
Navneet Saini, &
Ishvinder Singh

“the Owners”

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

RE: Those housing premises located in Sturgeon County, Alberta and municipally described as: Esso Petroleum – Wheeler’s Truck Stop, 25232 Secondary Highway 651.

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. Emergency egress is not present in the basement and main floor rooms being used for sleeping purposes.
- b. There are no smoke alarms installed in the hallways leading to the basement or main floor rooms being used for sleeping purposes.
- c. Ventilation is not present in the basement and main floor rooms that are being used for sleeping purposes.
- d. Exposed electrical wires are present throughout the basement. Exposed electrical switch covers are present in the basement and main floor rooms being used for sleeping purposes.
- e. There are two hand washing sinks in the washroom being used by housing occupants. One of these sinks is not operational and the other has inadequate water pressure.
- f. Two toilets located in the washroom and are being used by housing occupants, one of the toilets is leaking and the second one is not in an operational state.
- g. There is no ventilation provided in the washroom.
- h. Handrails are not present on the staircase leading to the basement. Stairs leading to the basement are not maintained in a good repair. Bottom stair tread is broken, noted when it is stepped upon.
- i. A large horizontal crack is present on the basement foundation wall, west side. Multiple support beams are present in the basement to support main floor.
- j. A part of ceiling is missing in the basement room. A piece of plywood is being used as a part of wall in the basement room.

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. Emergency egress is not present in the basement and main floor rooms being used for sleeping purposes, which is in contravention of Section 3 (b) (i) and (ii) of Alberta Health Minimum Housing and Health Standards, which states, “**Emergency Egress (i) 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 (3.8 ft²), with no dimension less than 380 mm (15”)**”.
- b. There are no smoke alarm installed in the hallways leading to the basement or main floor rooms being used for sleeping purposes, which is in contravention of Section 12 of Alberta Health 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**”.
- c. Ventilation is not present in the basement and main floor rooms that are being used for sleeping purposes, which is in contravention of Section 4 (i) of Alberta Health Minimum Housing and Health Standards, which states, “**All rooms used for sleeping shall be provided with: (a) an openable window area of 0.28 m² (3.0 ft²); or (b) mechanical ventilation in conformance with the requirements of the Alberta Building Code**”.
- d. Exposed electrical wires are present throughout the basement. Exposed electrical switch covers are present in the basement and main floor rooms being used for sleeping purposes, which is in contravention of Section 11 of Alberta Health 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**”.
- e. There are two hand washing sinks in the washroom being used by housing occupants. One of these sinks is not operational and the other has inadequate water pressure, which is in contravention of Section 6 (b) of Alberta Health 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. Adequate water volume and pressure shall be provided to ensure that proper operation and flushing of all fixtures**” and Section 2 of Alberta’s Housing Regulation AR 173/99, 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**”.
- f. Two toilets located in the washroom and are being used by housing occupants, one of the toilets is leaking and the second one is not in an operational state, which is in contravention of Section 6 (a) of Alberta Health 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**”.

- g. There is no ventilation provided in the washroom, which is in contravention of Section 7 (c) of Alberta Health Minimum Housing and Health Standards, which states, “**Except where exempt by regulation, every housing premises shall be provided with plumbing fixtures of an approved type consisting of at least a flush toilet, a wash basin, and a bathtub or shower. All rooms containing a flush toilet and/or bathtub or shower shall be provided with natural or mechanical ventilation**”.
- h. Handrails are not present on the staircase leading to the basement. Stairs leading to the basement are not maintained in a good repair. Bottom stair tread is broken, noted when it is stepped upon, which is in contravention of Section 3 (C) (i) of Alberta Health Minimum Housing and Health Standards, which states, “**Handrails (i) 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**”.
- i. A large horizontal crack is present on the basement foundation wall, west side. Multiple support beams are present in the basement to support main floor, which is in contravention of Section 1 of Alberta Health Minimum Housing and Health Standards, which states, “**Good repair, safe condition and structurally sound. (a) The housing premises shall be structurally sound. (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 and 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)**”.
- j. A part of ceiling is missing in the basement room. A piece of plywood is being used as a part of wall in the basement room, which is in contravention of Section 5 of Alberta Health 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**”.

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 immediately.
- 2. That the Owners immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Remove all sleeping materials such as bed frames, mattresses, box spring, bedding, and workers personal belongings such as medication, clothing, toiletries etc. from the premises. Dismantle the sleeping areas, remove locking devices from doors and ensure these two rooms are not being used for sleeping and remain available for inspection purposes.
 - b. All electrical deficiencies must be corrected. A Safety Codes Office approval (Electrical Discipline) must be submitted to local Environmental Public Health office.
 - c. Water pressure in all faucets must be adequate to ensure proper operation.
 - d. All hand washing sinks must be repaired and maintained in proper working condition.

- e. All toilets must be repaired and maintained in proper working condition.
 - f. Either a natural or mechanical ventilation system must be installed in the washroom.
 - g. All stairs leading to the basement must be repaired and handrails must be installed.
 - h. The basement must be assessed by a professional structural engineer with regards to support beams and foundation crack. A professional structural engineer report must be submitted to local Environmental Public Health office.
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, specifically rooms used for sleeping shall remain vacant and secure from unauthorized entry/use.

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 St. Albert, Alberta, May 25, 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.

Order of an Executive Officer – Unfit for Human Habitation - Order to Vacate

RE: The premises located in Sturgeon County, Alberta and municipally described as: Esso Petroleum – Wheeler’s Truck Stop, 25232 Secondary Highway 651.

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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>

Copy: Sturgeon County
Alberta Occupational Health and Safety

St. Albert • St. Albert Public Health Centre • Environmental Public Health

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<https://www.ahs.ca/eph>