

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

To: Louis Johner
"the Owner"
And
Rena Johner
"the Owner"

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

RE: Those housing premises located in Mayerthorpe, Alberta and municipally described as:
5118 53 Avenue Mayerthorpe, AB. Lot 1A Block 19 Plan 7922692

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 living room wall electrical outlet does not have electricity.
- b. A laundry room closet has been removed. Wall studs and damaged wood fiberboard are visible. The laundry room wall surfaces are incomplete.
- c. The bathroom has a water damaged wall approximately 16 x 36 inches (406 mm x 914 mm) near the shower. The wall paint in this area is peeled and missing. The drywall appears rotted and damaged.
- d. The loft bedroom ceiling finished surface (OSB material) is cracked and incomplete. The ceiling cracking and incomplete surface is primarily occurring at the OSB plywood joint ends.
- e. The kitchen ceiling has a crack that spans the entire kitchen length. The kitchen ceiling surface is incomplete.
- f. The main entrance is deteriorated. The ceiling materials are hanging, dislodged and incomplete. A 2 x10-inch wood board has been positioned from the floor to ceiling to support the dislodged and hanging ceiling material.
- g. The upstairs loft bedroom flooring was observed to be unfinished sub-floor plywood.
- h. There are no eavestroughs on the premises to direct water away from the foundation. Water was observed to be infiltrating into the basement foundation.
- i. The dryer vent that directs warm air out of the house is missing its exterior cover. Insect pests can potentially enter the premises.
- j. The laundry washer wastewater is discharging directly onto the basement floor and running to the basement floor sump.
- k. The loft bedroom south window is covered by a storm sash. The window cannot be opened for potential egress.

- l. The loft bedroom north single pane slider egress bedroom window is currently open and cannot be closed. The single pane slider is covered by a storm sash and cannot be opened for potential egress.
- m. The stairs from the main floor to the loft have a rise that was measured to be 8 $\frac{3}{4}$ inches (220 mm). Stair rise is not to be greater than 8 inches (200 mm).
- n. There are no smoke alarms installed within the premises.
- o. The back building addition is dilapidated and not securely attached to the main building structure. An estimated two-inch (50 mm) gap was noted between the addition and the main structure resulting from a foundation shift. The gap between the structures is causing the premise to not be weatherproof.
- p. Basement wooden teleposts, wooden 2x6 & 2x8 inch wooden telepost shims (compressible) and basement exterior wood wall floor plates appear water damaged.
- q. The bathtub/shower surround is incomplete. A gap was noted between the faucet attachment fixture and the bathroom/shower surround. As well, a bathroom/shower surround hole was located near the shower head fixture. These incomplete areas potentially allow water behind the surround.
- r. The east and south basement concrete foundation is deteriorated with vertical and horizontal cracks.
- s. The basement concrete foundation cracks are potential points of pest entry.
- t. A portion of the concrete basement floor approximately 16 x 36 inches (406 mm x 914 mm) is missing and filled with water and other debris.
- u. The basement concrete floor and foundation walls have moisture accumulation.

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 living room wall electrical outlet does not have electricity. 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."
- b. A laundry room closet has been removed. Wall studs and damaged wood fiberboard are visible. The room surfaces are not completed. This condition is in contravention of section 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."
- c. The bathroom has a water damaged wall approximately 16 x 36 inches (406 mm x 914 mm) near the shower. The wall paint in this area is peeled and missing. The drywall appears rotted and damaged. This condition is in contravention of section 5 (a) of the Minimum Housing and Health Standards, which states: "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."

- d. The loft bedroom ceiling finished surface (OSB material) is cracked and incomplete. The incomplete surface is primarily occurring at the OSB material joint ends. This condition is in contravention of section 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.”
- e. The kitchen ceiling has a crack that spans the entire kitchen length. This condition is 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.”
- f. The main entrance is deteriorated. The ceiling materials are dislodged and incomplete. A 2 x 10-inch wood board has been positioned from the floor to ceiling to support the dislodged and hanging ceiling material. This condition is 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.”
- g. The upstairs loft bedroom flooring was observed to be unfinished sub-floor plywood. This condition is in contravention of section 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.”
- h. There are no eavestroughs on the premises roof to direct water away from the premises foundation. Water was observed to be infiltrating into the basement foundation. This condition is in contravention of Section 1(b) of the Minimum Housing and Health Standards which states: “The owner shall ensure that the housing premises is structurally sound, in a safe condition, in good repair, and maintained in a waterproof, windproof and weatherproof condition. Basements, cellars or crawl spaces shall be structurally sound, maintained in good repair and free from water infiltration and accumulation.”
- i. The dryer vent that directs warm air out of the house is missing its exterior vent cover. Insect pests can potentially enter the premises. This condition is in contravention of Section 16(a) of the Minimum Housing and Health Standards 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.”
- j. The laundry washer wastewater is discharging directly onto the basement floor and running to the basement floor sump. This condition is in contravention of Section 6 (a,c) of the Minimum Housing and Health Standards which states: “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, pump out sewage holding tanks, septic tanks and the disposal system shall be maintained in a proper operating condition. All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.”

- k. The loft bedroom south window is covered by a storm sash. The window cannot be opened for egress. This is in contravention of Section 3 (b) (i) of the Alberta Minimum Housing and Health Standards which states: “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.”
- l. The loft bedroom north single pane slider egress bedroom window is covered by a storm sash and cannot be opened or closed. This is in contravention of Section 3 (b) (i) of the Alberta Minimum Housing and Health Standards which states: “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.”
- m. The stairs from the main floor to the loft have a rise of greater than 8 inches (200 mm). This condition is in contravention of Section 3 (c) (i) of the Alberta Minimum Housing and Health Standards which states: “Stairs or porches, including all treads, risers, shall be maintained in good repair and shall comply with the requirements of the Alberta Building Code or a Professional Engineer design.”
- n. There are no smoke alarms installed within the premises. This condition is in contravention of section 12 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.”
- o. The back building addition is dilapidated and not securely attached to the main building structure. An estimated two-inch gap was noted between the addition and the main structure resulting from a foundation shift. The gap between the structures is causing the premise to not be weatherproof. This condition is in contravention of section 1 (a, c) of the Minimum Housing and Health Standards which states: “The owner shall ensure that the housing premises is structurally sound, in a safe condition, in good repair, and maintained in a waterproof, windproof and weatherproof condition. The housing premises shall be structurally sound.”
- p. Basement wooden teleposts, wooden 2x6/2x8 wooden telepost shims (compressible) and wooden wall floor plates appear water damaged. 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.”
- q. The bathtub/shower surround is incomplete. A gap was noted between the faucet attachment fixture and the bathroom/shower surround. As well, a bathroom/shower surround hole was located near the shower head fixture. These incomplete areas potentially allow water behind the surround. This condition is in contravention of section 5 (a) 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. 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.”

- r. The east and south basement concrete foundation is deteriorated with vertical and horizontal cracks. This condition is in contravention of section 1 (b-d) of the Minimum Housing and Health Standards which states: “The owner shall ensure that the housing premises is structurally sound, in a safe condition, in good repair, and maintained in a waterproof, windproof and weatherproof condition. Basements, cellars or crawl spaces shall be structurally sound, maintained in good repair and free from water infiltration and accumulation. Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced. 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).”
- s. The basement concrete foundation cracks are potential points of pest entry. This condition is in contravention of section 16 (a) of the Minimum Housing and Health Standards which states: “The owner shall ensure that the housing premises are free of insect and rodent infestations”.
- t. A portion of the concrete basement floor approximately 16 x 36 inches (406 mm x 914 mm) is missing and filled with water and other debris. The missing concrete floor was covered by a wooden door. This condition is in contravention of section 1 (b, d) of the Minimum Housing and Health Standards which states: “The owner shall ensure that the housing premises is structurally sound, in a safe condition, in good repair, and maintained in a waterproof, windproof and weatherproof condition. Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced. 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).”
- u. The basement concrete floor and foundation walls have moisture accumulation. 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 infiltration and accumulation.

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 November 23, 2022.
2. That the Owners immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Repair the living room electrical outlet so that it is in proper working order.

- b. Repair and finish the laundry room wall incomplete surfaces.
 - c. Repair all water damaged bathroom walls.
 - d. Finish and complete the loft bedroom OSB material so the surface is smooth and intact.
 - e. Repair the kitchen ceiling crack and ensure the surface is smooth and intact.
 - f. Secure the main entrance ceiling materials and ensure surfaces are smooth and intact.
 - g. Install a proper floor covering over the upstairs incomplete unfinished plywood sub-floor.
 - h. Install eavestroughs to direct water away from the premises foundation.
 - i. Provide a dryer outlet cover to the housing exterior.
 - j. Connect the laundry washer wastewater PVC pipe to the plumbing system.
 - k. Install a window in the loft bedroom that meets emergency egress requirements.
 - l. Ensure the loft bedroom north window can be closed and/or meets emergency egress requirements.
 - m. Repair or replace the stairs and ensure they comply with the Alberta Building Code.
 - n. Install smoke alarms in the premises.
 - o. Secure and support the back addition to the main housing premises.
 - p. Repair and replace all water damaged teleposts and water damaged wooden shims.
 - q. Ensure the shower/bath surround is complete and watertight.
 - r. Consult with a professional engineer and restore the foundations, including the basement area walls and support structure of the rear addition, to a sound condition.
 - s. All pest entry points shall be screened or sealed.
 - t. Remove the water and debris from the missing basement concrete floor area. Repair the concrete floor to ensure it is structurally sound and intact.
 - u. Remove all moisture from the basement concrete floor and walls. Take measures to prevent moisture from entering and accumulating on the floor and walls.
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 Whitecourt, Alberta, November 9, 2022

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>

Template revised October 13, 2022

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Town of Mayerthorpe