

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

To: Maynard Roelofs
"the Owner"

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

RE: Those housing premises located in Lethbridge, Alberta and municipally described as:
1266 5 Avenue North

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. Lack of electricity and other electrical deficiencies including exposed wires
- b. HVAC system in poor condition with crumpled ducts
- c. Lack of running water to the kitchen sink and leaking faucet in the washroom sink
- d. Unsecure back door
- e. Wasp nest in the ceiling of the closed in front porch
- f. Lack of smoke alarms
- g. Rotten and broken floor boards on the back deck
- h. Evidence of a previous fire and walls that have moved in the basement
- i. Broken bedroom window, single paned windows, and siding missing or in disrepair
- j. Incomplete flooring throughout the house

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. Section 2(2)(a) of the Nuisance and General Sanitation Regulation which states that: A person who creates, commits or maintains any premises in a condition 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.
- b. Lack of electricity, which is in contravention of section IV(8)(d) of the Minimum Housing and Health Standards which states that: Every owner of a housing premises shall ensure a continuous supply of electricity, water and heat unless the rental agreement stipulates that such utility services are the sole responsibility of the occupant.
- c. Electrical deficiencies including exposed wires, which is in contravention of section IV(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.
- d. HVAC system in poor condition, which is in contravention of section IV(8)(a)(i) of the Minimum Housing and Health Standards which states that: All heating facilities within a housing premises are to be properly installed and maintained in good working condition, and be *capable* of safely and adequately heating all habitable rooms, bathrooms, and toilet rooms within the building to a temperature of at least 220C(710F), or maintained at a temperature of at least 220C(710F) when the control of the supplied heat in a dwelling is the responsibility of a person other than the occupant.
 - e. Lack of running water to the kitchen sink and leaking faucet in the washroom sink, which is in contravention of section IV(6)(a) of the Minimum Housing and Health Standards which states that: 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.
 - f. Unsecure back door and broken bedroom window, which is in contravention of section III(3)(a) of the Minimum Housing and Health Standards which states that: Exterior windows and doors shall be capable of being secured.
 - g. Wasp nest in the ceiling of the porch, which is in contravention of section V(16)(a) of the Minimum Housing and Health Standards which states that: The owner shall ensure that the housing premises are free of insect and rodent infestations.
 - h. Lack of smoke alarms, which 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.
 - i. Rotten and broken floor boards on the back deck, which is in contravention of section III of the Minimum Housing and Health Standards which states that: 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, and section III(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.
 - j. Fire damage and displaced walls, which is in contravention of section III(1)(a,b) of the Minimum Housing and Health Standards which states that: the housing premises shall be structurally sound, and; basements, cellars or crawl spaces shall be structurally sound, and maintained in good repair and free from water infiltration and accumulation.
 - k. Single paned windows, which is in contravention of section III(2)(b)(ii) of the Minimum Housing and Health Standards which states that: In housing premises intended for use during the winter months, windows in habitable rooms shall protect against cold weather through the provision of a storm sash, double glazing, or other durable thermal/air resistant barrier as may be approved by the Executive Officer.
 - l. Siding in disrepair, which is in contravention of section III(2)(a) of the Minimum Housing and Health Standards which states that: The roof and exterior cladding of walls shall be maintained in a waterproof, windproof and weatherproof condition.
 - m. Incomplete flooring, which is 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.

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 August 31, 2015.
2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Ensure electricity is available throughout the house or stipulate that it must be paid for by the tenants.
 - b. Ensure the electrical deficiencies are corrected by a trained professional.
 - c. Have a qualified individual inspect the heating ducts and ensure that all rooms are receiving heat.
 - d. Fix the leaking faucet in the bathroom and ensure the kitchen faucet work properly.
 - e. Ensure the back door seals properly and is secure.
 - f. Remove the wasp nest and repair the ceiling in the front porch.
 - g. Install operational smoke alarms in the hallway attached to the bedrooms.
 - h. Rotten and broken floor boards must be repaired and finished in a manner so that they are weatherproof (ie. painted or stained).
 - i. Repair any damage due to the previous fire and have a Safety Codes Officer inspects the property to ensure that it is structurally sound. Provide report to the undersigned Public Health Inspector.
 - j. Ensure broken windows are replaced, all windows are double paned, and screens are available.
 - k. Exterior of the property such as siding and trim must be corrected so that it is in good condition and is weatherproof.
 - l. Ensure appropriate flooring is installed throughout the main floor of the house.
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.
4. 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.
5. DATED at Lethbridge, Alberta, August 26, 2015
6. Confirmation of a verbal order issued to Maynard Roelofs on August 24, 2015.

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, Telus Plaza North Tower
10025 Jasper Avenue NW
Edmonton, Alberta, T5J 1S6
Phone: 780-427-2813
Fax: 780-422-0914
Email: health.appealboard@gov.ab.ca

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 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: www.health.alberta.ca/about/health-legislation.html

Copy: City of Lethbridge