

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

To: Gary Klassen
"the Owner"

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

RE: Those housing premises located in Lethbridge, Alberta and municipally described as:
1108 – 10 Avenue N – Upstairs.

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. There is no heat in the suite. The temperature measured throughout the suite was 12-17 degrees Celsius.
- b. There is no smoke alarm in the suite.
- c. The ensuite shower has a hole in the corner of the shower floor which is leaking into the carport below.
- d. There is a very large patch of water damage on the kitchen ceiling. The tenant has video of water pouring through the ceiling into the kitchen during a rainstorm.
- e. The flooring of the second floor balcony off of the master bedroom is quite soft near the handrail.

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. There is no heat in the suite. The temperature measured throughout the suite was 12-17 degrees Celsius which is in contravention of section 3(1)(b)(ii) of the Housing Regulation which states that: an owner shall ensure that the occupants of the housing premises are supplied with adequate heating facilities that are capable of maintaining a habitable indoor temperature, if the housing premises are used or intended for use during all or part of the period from September 1 in one year until May 1 in the following year.
- b. There is no smoke alarm in the suite 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.

- c. The ensuite shower has a hole in the corner of the shower floor which is leaking into the carport below which is in contravention of section IV(6)(c) of the Minimum Housing and Health Standards which states that: All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.
- d. There is a very large patch of water damage on the kitchen ceiling. The tenant has video of water pouring through the ceiling into the kitchen during a rainstorm which is in contravention of section 3(1)(a)(iv) of the Housing Regulation which states that: an owner shall ensure that the housing premises are maintained in a waterproof, windproof, and weatherproof condition.
- e. The flooring of the second floor balcony off of the master bedroom is quite soft near the handrail which is in contravention of section 3(1)(a)(ii) of the Housing Regulation which states that: an owner shall ensure that the housing premises are in a safe condition
AND
Section 3(1)(a)(iii) of the Housing Regulation which states that: an owner shall ensure that the housing premises are in good repair.

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 November 30, 2019.
2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Turn the heat back on in the suite immediately.
 - b. Install a smoke alarm in the hallway between the bedrooms.
 - c. Fix the leak/repair the hole in the ensuite shower.
 - d. Find and repair the leak in the kitchen ceiling. Ensure that any water damaged or mouldy building materials are removed and replaced.
 - e. Ensure the kitchen ceiling is in good repair.
 - f. Repair the flooring on the balcony deck. Ensure it is in a safe condition.
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 Lethbridge, Alberta, November 6, 2019.
Confirmation of a verbal order issued to Gary Klassen on November 5, 2019.

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 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

Environmental Public Health – South Zone

801 – 1 Avenue S Lethbridge, AB, Canada T1J 4L5

www.albertahealthservices.ca/eph.asp