

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

To: Nelwyn Wiersema
"the Owner"

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

RE: Those housing premises located in Lethbridge, Alberta and municipally described as:
1117 42 Avenue N.

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. Extreme hoarding was observed throughout the premises both inside and in the yard. City of Lethbridge Fire Marshal reports concerns with the amount of combustible material, such as wood pallets, located in the yard, presenting a significant risk to premises' occupants, neighbouring residents, and to City of Lethbridge Fire Fighters, should a fire occur.
- b. Significant hoard within the premises hinders movement within the premises and significantly restricts or eliminates emergency egress. Unable to verify if an operable smoke detector was present in the premises.
- c. Significant hoard within the premises, and the current structural condition of the premises increases the risk for vermin infestation in the premises that could impact surrounding residences. There has been a history of pigeons roosting in this premises and pigeons were observed at the time of the inspection.
- d. Electricity is not provided to the premises directly. Power is provided to the residential premises via extension cords, one of which is buried under combustible materials, running from the backyard shop (where meter is provided) to the residential premises.
- e. Potable water is not supplied to the premises. Unable to locate any faucet in the premises due to the clutter. Owner reports he does not have running potable water or running hot water.
- f. The washroom is inaccessible and possibly inoperable; plumbing for the removal of grey and black water could not be verified to be working properly. Currently, there is no lawful way to dispose of grey water or black water in the premises. Owner reports wastewater from chemical toilets are disposed of at the RV sani-dump.
- g. The roof and exterior cladding are in a significantly unfinished state or in a state of disrepair. Improper waterproofing has resulted in rotting building materials, which could impact the structural integrity of the premises.
- h. Wood burning stove is used for heating the premises, with a significant amount of combustible material in and around the stove area. This stove used for heating the

premises may not be in proper working order; this could increase the fire risk for this premises.

AND WHEREAS such inspection disclosed that the following breaches of the Public Health Act and the Nuisance and General Sanitation Regulation (AR 243/2003) exist in and about the above noted premises, namely:

- a. Extreme hoarding was observed throughout the premises both inside and in the yard. City of Lethbridge Fire Marshal reports concerns with the amount of combustible material, such as wood pallets, located in the yard, presenting a significant risk to premises' occupants, neighbouring residents, and to City of Lethbridge Fire Fighters, should a fire occur. This is in contravention of Section 2(1) and Section 2(2)(a) of the Nuisance and General Sanitation Regulation AR243/2003 which reads: *"No person shall create, commit or maintain a nuisance. Without limiting the generality of subsection (1), 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. Significant hoard within the premises hinders movement within the premises and significantly restricts or eliminates emergency egress. Unable to verify if an operable smoke detector was present in the premises. This is in contravention of Section 2(1) and Section 2(2)(a) of the Nuisance and General Sanitation Regulation AR243/2003 which reads: *"No person shall create, commit or maintain a nuisance. Without limiting the generality of subsection (1), 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."*
- c. Significant hoard within the premises, and the current structural condition of the premises increases the risk for vermin infestation in the premises that could impact surrounding residences. There has been a history of pigeons roosting in this premises and pigeons were observed at the time of the inspection. This is in contravention of Section 2(1) and Section 2(2)(a) of the Nuisance and General Sanitation Regulation AR243/2003 which reads: *"No person shall create, commit or maintain a nuisance. Without limiting the generality of subsection (1), 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."*
- d. Electricity is not provided to the premises directly. Power is provided to the residential premises via extension cords, one of which is buried under combustible materials, running from the backyard shop (where meter is provided) to the residential premises. This is in contravention of Section 2(1) and Section 2(2)(a) of the Nuisance and General Sanitation Regulation AR243/2003 which reads: *"No person shall create, commit or maintain a nuisance. Without limiting the generality of subsection (1), 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."*

- e. Potable water is not supplied to the premises. Unable to locate any faucet in the premises due to the clutter. Owner reports he does not have running potable water or running hot water. This is in contravention of Section 2(1) and Section 2(2)(a) of the Nuisance and General Sanitation Regulation AR243/2003 which reads: *“No person shall create, commit or maintain a nuisance. Without limiting the generality of subsection (1), 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.”*
- f. The washroom is inaccessible and possibly inoperable; plumbing for the removal of grey and black water could not be verified to be working properly. Currently, there is no lawful way to dispose of grey water or black water in the premises. Owner reports wastewater from chemical toilets are disposed of at the RV sani-dump. This is in contravention of Section 2(1) and Section 2(2)(b) of the Nuisance and General Sanitation Regulation AR243/2003 which reads: *“No person shall create, commit or maintain a nuisance. Without limiting the generality of subsection (1), a person who creates, commits or maintains any source of a discharge of water or waste, including a street, pool, ditch, gutter, watercourse, sink, cistern, water closet, portable toilet, privy, urinal, cesspool or drain 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.”*
- g. The roof and exterior cladding are in a significantly unfinished state or in a state of disrepair. Improper waterproofing has resulted in rotting building materials, which could impact the structural integrity of the premises. This is in contravention of Section 2(1) and Section 2(2)(a) of the Nuisance and General Sanitation Regulation AR243/2003 which reads: *“No person shall create, commit or maintain a nuisance. Without limiting the generality of subsection (1), 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.”*
- h. Wood burning stove is used for heating the premises, with a significant amount of combustible material in and around the stove area. City Building Inspection Services noted concerns with the wood burning stove and servicing, which increase the fire risk for this premises. This is in contravention of Section 2(1) and Section 2(2)(a) of the Nuisance and General Sanitation Regulation AR243/2003 which reads: *“No person shall create, commit or maintain a nuisance. Without limiting the generality of subsection (1), 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.”*

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 **June 1, 2018**.

2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Take immediate measures to reduce the quantity of combustible materials located in the yard of this property. This is to be completed no later than **June 30, 2018**.
 - b. Contents in the premises must be reduced and managed, such that contents do not present collapsing hazard for occupants, allows for emergency egress through all exterior doors and bedroom windows, and does not contribute to the harbourage of vermin.
 - c. If the premises is to be salvaged, potable water service must be restored to the premises so that running hot and cold water is accessible to occupants. This must be done in accordance with the Alberta Safety Codes and City of Lethbridge Building Services requirements.
 - d. If the premises is to be salvaged, a washroom must be operable with plumbing, fixtures (toilet, hand sink, bathing tub/shower), and finishes. This must be done in accordance with the Alberta Safety Codes and City of Lethbridge Building Services requirements.
 - e. If the premises is to be salvaged, it must be properly constructed and renovated to ensure it is structurally sound and in good repair. All rotten, mouldy and damaged building material must be replaced. Exterior cladding and roofing must be replaced to ensure the premises is windproof, waterproof and weather proof. This must be done in accordance with the Alberta Safety Codes and City of Lethbridge Building Services requirements.
 - f. Wood burning stove must be assessed by a qualified individual, and must be in a condition that allows for its safe use. This must be done in accordance with the Alberta Safety Codes and City of Lethbridge Building Services 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 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 Lethbridge, Alberta, June 1, 2018

Confirmation of a verbal order issued to Nelwyn Wiersema on May 31, 2018 at 1430 hrs.

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: <http://www.health.alberta.ca/about/PHAB.html>

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

Template revised May 8, 2018

Copy: City of Lethbridge Fire Prevention Office, City of Lethbridge Building Services Department