

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

To: Marco & Natacha Albinus
"the Owners"

And To: All Occupants of the following Housing premises:

RE: Those housing premises located in Cardston, Alberta and municipally described as:
170 5 Street W.

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. Extensive non-compliant finishing issues. These include, but are not limited to:
 - i) Most of the home had no floor coverings, which in some areas of the home exposed uncovered carpet tack strips.
 - ii) There was no trim around most of the doors and windows, often exposing uncovered insulation.
 - iii) There was large hole in the main floor living room wall that appeared to be a water shut off access.
 - iv) There was large hole in wall near stairs.
 - v) A portion of wall at the first stair landing was in a state of disrepair.
 - vi) There was a large gouge/hole in kitchen flooring.
 - vii) There were multiple sections of missing ceiling, allegedly due to water damage from an ongoing leak.
 - viii) The main floor bedroom had large portions of the drywall poor condition and in a state of disrepair.
 - ix) The main floor bathroom door had multiple holes in it.
 - x) The main floor bathroom wall had numerous holes that were very poorly patched and were never repainted.
 - xi) The floor near the back door was in disrepair. The floor integrity may be compromised possibly due to water damage, as it felt soft/sponge and uneven in places.
 - xii) There was a lot of water damage along the edge of the ceiling near the back door.
 - xiii) There was a large hole in the wall behind the laundry appliances.
 - xiv) The upstairs bathroom floor was very damaged. Chunks were missing and other sections were lifting and peeling.
 - xv) The finishes near bathtub were rotting, water damaged and appear to be mouldy.
 - xvi) There were holes in upstairs bedroom walls/ceiling.

- b. There were multiple windows with broken glass panes throughout the premises.
- c. There were many damaged electrical outlet covers and switch plates.
- d. There were multiple damaged electrical outlets.
- e. There are multiple damaged electrical fixtures.
- f. Most of the windows had either have non-functional handles or did not have handles attached making them unopenable for emergency egress.
- g. The stairs to the second floor did not have an appropriate railing/guardrail.
- h. The entire home was in a very poor sanitary condition with large amounts of filth built up throughout the premises.
- i. There were numerous uncovered vents in multiple rooms.
- j. The doorframe to the main floor bedroom was in disrepair. The door was not hung on the jamb and could not be found.
- k. The back door frame was damaged to the point that the doorknob had nothing to latch into to secure the door when closed.
- l. The wall behind the furnace appeared to be covered in mould.
- m. The area under the kitchen sink was filthy, mouldy and warped from water damage.
- n. Most of the kitchen cabinetry was missing doors and drawers.
- o. The counter surface material was in poor condition. It was lifting off the counter.
- p. There were no working smoke alarms anywhere in the premises.
- q. The upstairs bathroom fan had no cover and did not appear to be operational.
- r. The upstairs bathroom sink appeared to be clogged with filthy water, cigarette butts, sunflower seeds, and other random debris.
- s. The upstairs bathroom sink did not appear to be properly sealed/secured to the counter.
- t. The upstairs bathroom door was missing all doorknob hardware.
- u. The upstairs bedroom was missing doorknob hardware.
- v. The upstairs bathtub was continually running a steady stream of water.
- w. The upstairs bathtub had no faucet handles.

- x. Caulking around the tub was cracked and turning black in places.
- y. Tenants noted numerous leaks that allegedly drip from the upstairs tub into the main floor below.
- z. The upstairs toilet was not operational.
- aa. The bottom corner of the front door was broken.
- bb. There were multiple areas on the exterior with holes in the siding or areas where siding appeared to have been removed completely.
- cc. There were multiple areas around the edge of the roof with exposed, bare wood.
- dd. There was a large hole in the back deck.
- ee. There was a lot of refuse and debris in the backyard: broken appliance, old furniture, broken pieces of fencing, old tires, broken lawn equipment, beds and numerous bags of garbage.
- ff. The premises was severely overcrowded. There appeared to be ~9 children and ~10 adults (may of which were sleeping on random mattresses) in a home with one bathing facility and one working toilet.
- gg. Most openable windows were missing insect screens.

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. Extensive finishing issues 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

Which is in contravention of section III(5)(a) of the Minimum Housing and Health Standards which states that: 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.

AND

Which is in contravention of section III(5)(b) of the Minimum Housing and Health Standards which states that: Rooms and sections of rooms that are used for food preparation and cooking shall have walls and floors constructed of materials which do not provide harbourage to dirt, grease, vermin and bacteria and that are easily kept clean.

- b. There were multiple windows with broken glass panes throughout the premises, which is in contravention of section III(2)(b)(i) of the Minimum Housing and Health Standards which states that: All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof.
- c. There were many damaged electrical outlet covers and switch plates, 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. There were multiple damaged electrical outlets, 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.
- e. There are multiple damaged electrical fixtures, 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.
- f. Most of the windows had either have non-functional handles or did not have handles attached making them unopenable for emergency egress, which is in contravention of section III(3)(b) of the Minimum Housing and Health Standards which states that: For buildings of 3 stories 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**.
- g. The stairs to the second floor did not have an appropriate railing/guardrail which is in contravention of section III(3)(c) of the Minimum Housing and Health Standards which states that: Inside or outside stairs or porches including all treads, risers, supporting structural members, rails, 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.
- h. The entire home was in a very poor sanitary condition with large amounts of filth built up throughout the premises, which is in contravention of section 5(2) of the Housing Regulation 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.
- i. There were numerous uncovered vents in multiple rooms, 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 22°C(71°F), or maintained at a temperature of at least 22°C(71°F) when the control of the supplied heat in a dwelling is the responsibility of a person other than the occupant.

- j. The doorframe to the main floor bedroom was in disrepair. The door was not hung on the jamb and could not be found, which is in contravention of section 3(1)(a)(iii) of the Housing Regulation which states that: an owner shall ensure that the housing premises are in good repair.
- k. The back door frame was damaged to the point that the doorknob had nothing to latch into to secure the door when closed, which is in contravention of section III(2)(b)(i) of the Minimum Housing and Health Standards which states that: All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof.
- l. The wall behind the furnace appeared to be covered in mould, which is in contravention of 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.
- m. The area under the kitchen sink was filthy, mouldy and warped from water damage which is in contravention of 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.
- n. Most of the kitchen cabinetry was missing doors and drawers, which is in contravention of section IV(14)(a)(ii) of the Minimum Housing and Health Standards which states that: Every housing premises shall be provided with a food preparation area, which includes: cupboards or other facilities suitable for the storage of food.
- o. The counter surface material was in poor condition. It was lifting off the counter, which is in contravention of section IV(14)(a)(iii) of the Minimum Housing and Health Standards which states that: Every housing premises shall be provided with a food preparation area, which includes: a counter or table used for food preparation which shall be of sound construction and furnished with surfaces that are easily cleaned.
- p. There were no operational smoke alarms anywhere in the premises, which is in contravention of section IV(12)(a) of the Minimum Housing and Health Standards which states that: Smoke alarms shall be operational and in good repair at all times.
- q. The upstairs bathroom fan had no cover and did not appear to be operational, which is in contravention of section 3(1)(a)(iii) of the Housing Regulation which states that: an owner shall ensure that the housing premises are in good repair.
- r. The upstairs bathroom sink appeared to be clogged with filthy water, cigarette butts, sunflower seeds, and other random debris, 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.
- s. The upstairs bathroom sink did not appear to be properly sealed/secured to the counter, which is in contravention of section 3(1)(a)(iii) of the Housing Regulation which states that: an owner shall ensure that the housing premises are in good repair.

- t. The upstairs bathroom door was missing all doorknob hardware, which is in contravention of section 3(1)(a)(iii) of the Housing Regulation which states that: an owner shall ensure that the housing premises are in good repair.
- u. The upstairs bedroom was missing doorknob hardware, which is in contravention of section 3(1)(a)(iii) of the Housing Regulation which states that: an owner shall ensure that the housing premises are in good repair.
- v. The upstairs bathtub was continually running a steady stream of water, 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.
- w. The upstairs bathtub had no faucet handles, 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.
- x. Caulking around the tub was cracked and turning black in places, which is in contravention of section III(5)(a) of the Minimum Housing and Health Standards which states that: 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.
- y. Tenants noted numerous leaks that allegedly drip from the upstairs tub into the main floor below, 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.
- z. The upstairs toilet was not operational, 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.
- aa. The bottom corner of the front door was broken, which is in contravention of section III(2)(b)(i) of the Minimum Housing and Health Standards which states that: All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof.
- bb. There were multiple areas on the exterior with holes in the siding or areas where siding appeared to have been removed completely, 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.

- cc. There were multiple areas around the edge of the roof with exposed, bare wood 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.
- dd. There was a large hole in the back deck, which is in contravention of section 5(2) of the Housing Regulation 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.
- ee. There was a lot of refuse and debris in the backyard: broken appliance, old furniture, broken pieces of fencing, old tires, broken lawn equipment, beds and numerous bags of garbage, which is in contravention of section 5(2) of the Housing Regulation 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.
- ff. This property was severely overcrowded. There appeared to be ~9 children and ~10 adults (may of which were sleeping on random mattresses) in a home with one bathing facility and one working toilet, which is in contravention of section IV(7)(d)(I, ii, iii) of the Minimum Housing and Health Standards which states that: Occupants of a housing premises with more than one dwelling unit may share a flush toilet, wash basin and bathtub or shower provided that: the occupants have access to the washroom facility without going through another dwelling or outside of the building; and the facility is located on the same floor as, or on the next storey up or down from the floor on which the suite is located; and each group of plumbing fixtures (toilet, washbasin, bathtub or shower) shall not serve more than eight persons.
- gg. Most openable windows were missing insect screens, which is in contravention of section III(2)(b)(iii) of the Minimum Housing and Health Standards which states that: During the portion of the year when there is a need for protection against flies and other flying insects, every window or other device intended for ventilation shall be supplied with effective screens.

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 **July 9th, 2024**.
2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Repair or replace all damaged or missing finishes.
 - b. Replace all broken windows.

- c. Ensure all outlets and switches have intact covers.
 - d. Ensure all outlets are in good operating condition.
 - e. Ensure all electrical fixtures are properly installed and work as intended.
 - f. Ensure all windows are openable and ensure all rooms used as a bedroom have windows that are easily openable without the need of tools or special knowledge.
 - g. Ensure the stair railing is built to Alberta Building Code requirements.
 - h. Ensure the entire home is thoroughly cleaned and sanitized.
 - i. Ensure all heating vents are covered.
 - j. Repair the door frame and replace the door.
 - k. Ensure the back door and all doorknob/lock hardware work as intended.
 - l. Address the source of moisture causing the mould, remove all mouldy/rotted building materials/finishes behind the furnace, ensure the area is completely dried, replace the building materials/finishes.
 - m. Address any leaks under the kitchen sink, remove all mouldy and/or water damaged materials under the kitchen sink, completely dry the area out, replace all removed materials/finishes.
 - n. Ensure all kitchen cabinetry is in good condition. Replace missing drawers and cupboard doors.
 - o. Repair or replace damage kitchen countertop.
 - p. Ensure working smoke alarms are installed outside the bedrooms. One near the main floor bedroom and one upstairs.
 - q. Ensure the bathroom fan works as intended and is properly covered.
 - r. Ensure the upstairs bathroom sink works properly.
 - s. Ensure the upstairs bathroom sink basin is properly installed and sealed.
 - t. Ensure the bathroom door has all knob hardware and works as intended.
 - u. Ensure the upstairs bedroom door has all knob hardware and works as intended.
 - v. Ensure the bathtub faucet can be properly turned on and off and is no longer dripping water when turned off.
 - w. Ensure the tub faucet has handles and works as intended.
 - x. Ensure the tub and surrounding area is completely sealed against water.
 - y. Ensure there are no plumbing leaks.
 - z. Ensure both toilets work as intended.
 - aa. Ensure the front door is repaired or replaced.
 - bb. Ensure siding is repaired or replaced.
 - cc. Ensure all bare wood on the exterior of the house is covered and weatherproof.
 - dd. Repair hole in back deck.
 - ee. Remove and properly dispose of all junk from backyard.
 - ff. Ensure home isn't overcrowded.
 - gg. Ensure all openable windows have insect screens.
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, July 4, 2024

Confirmation of a verbal order issued to Tenants on July 2, 2024.

Executive Officer
Environmental Health Officer

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>

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Lethbridge • Melcor Centre • South Zone

200 4 Avenue S, Lethbridge, Alberta, Canada, T1J 4C9

www.albertahealthservices.ca/eph.asp