

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

**To:** Mark Kimura  
"the Owner"

**And To:** All Occupants of the following Housing premises:

**RE:** Those housing premises located in Lethbridge, Alberta and municipally described as:  
1703 16 Avenue S - House.

**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 was no power supplied to the home.
- b. Numerous occupants, other than the owner, have been living in this building with an active Closure Order.
- c. There was a non-vented power operating in the garage. Reportedly, the generator operates continuously to provide power to the dwelling. Containers of combustible products were present in the garage to ensure the operation of the power generator. There was a strong smell of exhaust from the non-vented generator indicating poor indoor air quality and likely high levels of carbon monoxide gas.
- d. The showerhead leaked continuously.
- e. The bathroom ceiling had multiple large holes in it.
- f. Two basement bedrooms did not have appropriately sized windows for emergency egress.
- g. The large front window has a huge hole in it.

**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 was no power supplied to the home, 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.
- b. Numerous occupants, other than the owner, have been living in this building with an active Closure Order which is in contravention of section 5(1) of the Housing Regulation which states that: No person shall occupy or permit the occupation of housing premises in respect of which an order under section 62(4)(b) of the Act is in effect.
- c. There was a non-vented power operating in the garage. Reportedly, the generator operates continuously to provide power to the dwelling. Containers of combustible products were present in the garage to ensure the operation of the power generator. There was a strong smell of exhaust from the non-vented generator indicating poor indoor air quality and likely high levels of carbon monoxide gas, 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.
- d. The showerhead leaked continuously, 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.
- e. The bathroom ceiling had multiple large holes in it 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.
- f. Two basement bedrooms did not have appropriately sized windows for emergency egress, which is in contravention of section III(3)(b)(i) of the Minimum Housing and Health Standards which states that: Windows referred to above shall provide unobstructed openings with areas not less than 0.35 m<sup>2</sup> (3.8ft<sup>2</sup>), with no dimension less than 380 mm (15”).
- g. The large front window has a huge hole in it 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.

**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 **June 24, 2024**.
2. Change the locks on both the front and back door on or before the aforementioned date.
3. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
  - a. Ensure power service has been fully restored to this home.
  - b. Abide by the requirements of the Closure Order.
  - c. Stop the constant generator use in the garage.
  - d. Address all plumbing concerns.
  - e. Repair all finishing issues.
  - f. Install suitable egress windows in both basement bedrooms.
  - g. Replace the broken window.
4. 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, June 19, 2024.

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](mailto: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

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[www.albertahealthservices.ca/eph.asp](http://www.albertahealthservices.ca/eph.asp)