

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

To: *Helga Dolan and David Dolan* – Registered Owners
“the Owner”

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

RE: Those housing premises located in Medicine Hat, Alberta and municipally described as:
361 – 12 Street SW; [Legal Description: Plan 2177M; Block 34; Lots 15 and 16]

WHEREAS I, an **Executive Officer** of **Alberta Health Services**, have inspected the above 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. The clothes dryer does not work; heat is not being generated in it.
- b. The portable dishwasher does not work properly.
- c. A smoke alarm is not provided on the main floor.
- d. The kitchen tap is loose and not firmly in place.
- e. Linoleum flooring at the kitchen sink cabinet is not properly finished.
- f. The window in the main floor bathroom has a crack.
- g. The back entry door is water damaged.
- h. A smoke alarm is not installed in the basement.
- i. Several ceiling tiles in the basement are water damaged.
- j. Hot water piping under the sink has a slow leak (main floor washroom).
- k. The back wall of the sink cabinet is damaged (main floor washroom).
- l. Linoleum flooring next to the bathtub is extensively in disrepair.
- m. Neither of the two windows in the first bedroom meets egress requirements; each vertical slider window measures 12” x 31” in its fully opened position.
- n. The window in the second basement bedroom does not afford egress; the vertical slider window measures 12” x 31” in its fully opened position.
- o. The ceiling in the basement washroom is not finished.
- p. Both windows in the basement living room have significant breakage.
- q. The window in the basement washroom is broken.

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. The clothes dryer does not work; heat is not being generated in it which is in contravention of section **5(2)** of the *Housing Regulation*, Alberta Regulation 173/1999 With amendments up to and including Alberta Regulation 38/2018, 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.”

- b. The portable dishwasher does not work properly which is in contravention of section **5(2)** of the *Housing Regulation, Alberta Regulation 173/1999 With amendments up to and including Alberta Regulation 38/2018*, 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.”
- c. A smoke alarm is not provided on the main floor 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. (a) Smoke alarms shall be operational and in good repair at all times.”
- d. The kitchen tap is loose and not firmly in place which is in contravention of section **IV 6 (a) & (c)** of the *Minimum Housing and Health Standards* which states that: “The plumbing system and the sanitary drainage system... shall be maintained in a proper operating condition. All plumbing fixtures shall be serviceable, free of from leaks, trapped and vented to the outside.”
- e. Linoleum flooring at the kitchen sink cabinet is not properly finished 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. The window in the main floor bathroom has a crack which is in contravention of section **III 2 (b) (i) & (ii)** 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. 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.”
- g. The back entry door is water damaged which is in contravention of section **III 2 (b) (i) & (ii)** 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. 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.”
- h. A smoke alarm is not installed in the basement 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. (a) Smoke alarms shall be operational and in good repair at all times.”
- i. Several ceiling tiles in the basement are water damaged 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.”
- j. Hot water piping under the sink has a slow leak (main floor washroom) which is in contravention of section **IV 6 (a) & (c)** of the *Minimum Housing and Health Standards* which

states that: “The plumbing system and the sanitary drainage system... shall be maintained in a proper operating condition. All plumbing fixtures shall be serviceable, free of from leaks, trapped and vented to the outside.”

- k. The back wall of the sink cabinet is damaged (main floor washroom) 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.”
- l. Linoleum flooring next to the bathtub is extensively in disrepair 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.”
- m. Neither of the two windows in the first bedroom meets egress requirements; each vertical slider window measures 12” x 31” in its fully opened position which is in contravention of section III 3 (b) of the *Minimum Housing and Health Standards* which states that: “For buildings of 3 storeys 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. (i) Windows referred to above shall provide unobstructed openings with areas not less than 0.35 m² (3.8 ft²), with no dimension less than 380 mm (15”).”
- n. The window in the second basement bedroom does not afford egress; the vertical slider window measures 12” x 31” in its fully opened position which is in contravention of section III 3 (b) of the *Minimum Housing and Health Standards* which states that: “For buildings of 3 storeys 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. (i) Windows referred to above shall provide unobstructed openings with areas not less than 0.35 m² (3.8 ft²), with no dimension less than 380 mm (15”).”
- o. The ceiling in the basement washroom is not finished 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.”
- p. Both windows in the basement living room have significant breakage which is in contravention of section III 2 (b) (i) & (ii) 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. 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.”
- q. The window in the basement washroom is broken which is in contravention of section III 2 (b) (i) & (ii) 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. 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.”

AND WHEREAS, by virtue of the foregoing, the above noted premises is hereby declared to be **Closed for Tenant Accommodation Purposes**.

NOW THEREFORE, I hereby **ORDER** and **DIRECT**:

1. That the occupant(s) vacate the above noted premises on or before July 12, 2019.
2. That the owner(s) immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Repair or replace both the clothes dryer and the dishwasher.
 - b. Install at least one smoke alarm on each level.
 - c. Properly install and affix the kitchen tap to the sink.
 - d. Properly and professionally finish the linoleum flooring in the kitchen.
 - e. Replace all cracked and broken windows, and with ones that protect against cold weather.
 - f. Install a new exterior door for the back entrance.
 - g. Replace the water damaged ceiling tiles, after correction of any and all water/moisture issues.
 - h. Properly and professionally repair the water leak in the main floor washroom.
 - i. Construct a new back wall for the sink cabinet.
 - j. Properly and professionally install new flooring in the main floor bathroom.
 - k. Install new bedroom windows of a style and size that facilitate egress.
 - l. Properly and professionally finish the ceiling in the basement washroom.
3. That until such time as the work referred to in paragraph 2 is completed to the satisfaction of the undersigned, or an Executive Officer of *Alberta Health Services*, the above noted premises shall remain vacant, secured from unauthorized entry, and **closed for tenant accommodation**.

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 Medicine Hat, Alberta, May 29, 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: <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

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