

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

To: Cathleen McFarland
"the Owner"

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

RE: Those housing premises located in Lethbridge, Alberta and municipally described as:
919 – 9 Street 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. There is no water for the washroom upstairs.
- b. The tub and toilet upstairs were full of what appeared to be fecal material.
- c. There was no working smoke alarm upstairs.
- d. The bedroom windows for the two back bedrooms were both smashed and broken. These were covered over with garbage bags.
- e. The large kitchen window was smashed and broken. This was covered over with cardboard.
- f. There were no screens for the windows upstairs.
- g. There were holes in the walls and doors upstairs.
- h. There was no longer a door separating the upstairs from the downstairs unit.
- i. There was a major leak in multiple pipes in the storage area (underneath the upstairs washroom). Water was steadily dripping from the pipes onto the wall and into buckets and the floor.
- j. The closet in the bedroom downstairs (on the other side of the leaking pipes) had major mould growth from the floor to the ceiling.
- k. There was water pooled under the flooring in the basement bedroom.

- l. Water was observed pooled all over the basement bathroom floor indicating more potential plumbing issues.
- m. Outlets and switches were missing appropriate covers.
- n. The oven in the basement was missing its door.
- o. Finishing issues noted in the basement including, but not limited to:
 - a. Broken/damaged or missing baseboards
 - b. Missing transition strips
 - c. Missing/broken door frames
 - d. Holes in the walls.

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 water for the washroom upstairs 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.

AND

Section IV(6)(b) of the Minimum Housing and Health Standards which states that: Adequate water volume and pressure shall be provided to ensure the proper operation and flushing of all fixtures.

- b. The tub and toilet upstairs were full of what appeared to be fecal material 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.
- c. There was no working smoke alarm upstairs 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.
- d. The bedroom windows for the two back bedrooms were both smashed and broken. These were covered over with garbage bags 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.
- e. The large kitchen window was smashed and broken. This was covered over with cardboard 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.
- f. There were no screens for the windows upstairs 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.

- g. There were holes in the walls and doors upstairs 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.
- h. There was no longer a door separating the upstairs from the downstairs unit which is in contravention of section III(3)(a) of the Minimum Housing and Health Standards which states that: Exterior windows and doors shall be capable of being secured.
- i. There was a major leak in multiple pipes in the storage area (underneath the upstairs washroom). Water was steadily dripping from the pipes onto the wall and into buckets and the floor which is in contravention of section 3(2) of the Housing Regulation which states that: an owner shall ensure that the housing premises' plumbing system and facilities provided under subsection (1)(b) are free from defects and maintained in proper operating condition.
- j. The closet in the bedroom downstairs (on the other side of the leaking pipes) had major mould growth from the floor to the ceiling 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.
- k. There was water pooled under the flooring in the basement bedroom 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.
- l. Water was observed pooled all over the basement bathroom floor indicating more potential plumbing issues which is in contravention of section 3(2) of the Housing Regulation which states that: an owner shall ensure that the housing premises' plumbing system and facilities provided under subsection (1)(b) are free from defects and maintained in proper operating condition.
- m. Outlets and switches were missing appropriate covers 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.
- n. The oven in the basement was missing its door which is in contravention of section IV(14)(a)(iv) of the Minimum Housing and Health Standards which states that: Every housing premises shall be provided with a food preparation area, which includes: a stove and a refrigerator that are maintained in a safe and proper operating condition. The refrigerator shall be capable of maintaining a temperature of 4°C.

- o. Finishing issues noted in the basement including, but not limited to:
 - a. Broken/damaged or missing baseboards
 - b. Missing transition strips
 - c. Missing/broken door frames
 - d. Holes in the walls.

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 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 February 10, 2020.
2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Have a plumber in to fix all the plumbing issues.
 - b. Ensure the tub and toilet are thoroughly cleaned and disinfected.
 - c. Ensure the smoke alarm is installed and operational at all times.
 - d. Repair all the broken windows.
 - e. Ensure all openable windows have appropriate insect screens.
 - f. Repair all holes in walls and doors.
 - g. Ensure there is a locking door between the upstairs and downstairs suites.
 - h. Remove all mouldy and water damaged building materials from the closet in the basement bedroom. Ensure this area is completely dry and free from leaks prior to repairing.
 - i. Remove flooring from basement bedroom. Ensure all water is removed and area is dry prior to replacing the floor.
 - j. Ensure all outlets and switches have appropriate covers.
 - k. Replace the oven. Ensure it is in good working condition.
 - l. Ensure all floors, walls, door frames and baseboards are in good repair.

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, January 24, 2020.

Confirmation of a verbal order issued to Cathleen McFarland on January 24, 2020.

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

Environmental Public Health – South Zone

801 1 Avenue S Lethbridge, AB T1J 4L5 Phone: (403) 388-6689

www.albertahealthservices.ca/eph.asp