

ORDER OF AN EXECUTIVE OFFICER UNFIT FOR HUMAN HABITATION

**To: R.A. Hamilton & Associates Incorporated
(the “owner”)**

**RE: 310 - 2 Street East
Drumheller, Alberta**

WHEREAS I, Keith Lee, 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 the prevention or suppression of disease, namely:

- A) The housing premises is shifting and slumping, causing damage to the walls, floors and ceilings throughout. The damage includes:
 - i) The ceiling in the living room is separating from the walls.
 - ii) The ceiling in the kitchen is separating from the walls.
 - iii) The living room floor slopes significantly towards the front door.
 - iv) The living room walls have large cracks in them.
 - v) The kitchen walls have large cracks in them.
 - vi) The chimney is separating from the walls.

- B) The bedroom window does not open.

AND WHEREAS such inspection disclosed that the following breaches of the Public Health Act and the Regulations there under exist in and about the above noted premises, namely:

- a. The housing premises is shifting and slumping to such an extent that the premises is no longer structurally sound or safe for occupancy. This is contrary to Section 3(1)(a) of the Housing Regulation which states that an owner shall ensure that the housing premises are structurally sound, in a safe condition, in good repair, and maintained in a waterproof, windproof and weatherproof condition. The condition is also contrary to Section 1(a) of the Minimum Housing and Health Standards which states that the housing premises must be structurally sound.
- b. The ceiling in the living room is separating from the walls and is no longer structurally sound or in good repair. This is contrary to Section 3(1)(a) of the Housing Regulation which states that an owner shall ensure that the housing premises are structurally sound, in a safe condition, in good repair, and maintained in a waterproof, windproof and weatherproof condition. The condition is also contrary to Section 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.
- c. The ceiling in the kitchen is separating from the walls and is no longer structurally sound or in good repair. This is contrary to Section 3(1)(a) of the Housing Regulation which states that an owner shall ensure that the housing premises are structurally sound, in a safe condition, in good repair, and maintained in a waterproof, windproof and weatherproof condition. The condition is also contrary to Section 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.
- d. The living room floor slopes significantly towards the front door and is no longer in good repair. This is contrary to Section 3(1)(a) of the Housing Regulation which states that an owner shall ensure that the housing premises are structurally sound, in a safe condition, in good repair, and maintained in a waterproof, windproof and weatherproof condition. The condition is also contrary to Section 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.

- e. The living room walls have large cracks in them and is no longer structurally sound or in good repair. This is contrary to Section 3(1)(a) of the Housing Regulation which states that an owner shall ensure that the housing premises are structurally sound, in a safe condition, in good repair, and maintained in a waterproof, windproof and weatherproof condition. The condition is also contrary to Section 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 kitchen walls have large cracks in them and is no longer structurally sound or in good repair. This is contrary to Section 3(1)(a) of the Housing Regulation which states that an owner shall ensure that the housing premises are structurally sound, in a safe condition, in good repair, and maintained in a waterproof, windproof and weatherproof condition. The condition is also contrary to Section 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.
- g. The chimney is separating from the walls and is no longer structurally sound or in good repair. This is contrary to Section 3(1)(a) of the Housing Regulation which states that an owner shall ensure that the housing premises are structurally sound, in a safe condition, in good repair, and maintained in a waterproof, windproof and weatherproof condition. The condition is also contrary to Section 1(a) and 1(c) of the Minimum Housing and Health Standards which states that the housing premises shall be structurally sound and building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- h. There is a large gap at the base of the back entry door which allows wind, cold air and other elements of nature to easily enter the premises. This is contrary to Section 3(1)(a)(iv) of the Housing Regulation which states that that housing premises are maintained in a waterproof, windproof and weatherproof condition. This condition is also contrary to Section 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.

- i. The bedroom window is stuck shut and does not open. This is contrary to Section 3(b) of the Minimum Housing and Health Standards which states that each bedroom shall have at least one outside window which may be opened from the inside without the use of tools or special knowledge.
- j. The bathroom sink tap is defective – it is lifting and is not flush with the counter. This is contrary to Section 3(2) of the Housing Regulation which states that an owner shall ensure that the housing premises' plumbing system and facilities are free from defects and maintained in proper operating condition. This condition is also contrary to Section 6(a) of the Minimum Housing and Health Standards which states that the plumbing system shall be maintained in a proper operating condition.
- k. The bathroom sink counter cabinet is not secured and not sealed to the wall, and makes the area difficult to keep clean. This is contrary to Section 5 of the Minimum Housing and Health Standards which states that all walls, windows, ceilings, floor, 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 housing premises located at 310 - 2 Street East in Drumheller, Alberta shall remain vacant and secured against unauthorized entry until such time as the housing premises is demolished or the conditions a. through k. are corrected or otherwise eliminated to the satisfaction of an Executive Officer of Alberta Health Services.

2. If repairs are undertaken, that the owner diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Retain a Professional Engineer, registered in the Province of Alberta. The Engineer must provide a structural certification report to you, Alberta Health Services, and to the Safety Codes Department with the Town of Drumheller.
 - b. The report shall:
 - (i) Provide the Engineer's professional opinion on the structural integrity of the entire building, with specific comment on the individual components thereof (including the foundation, support structure, ceilings, walls, floors, chimney and roof) and whether the building is safe for occupancy.
 - (ii) Be affixed with the Engineer's signature and professional seal.
 - (iii) Be accompanied by a detailed design repair method, complete with drawings or plans and affixed with the Engineer's signature and professional seal.
 - (iv) If the Engineer's Report identifies required repairs in accordance with item (iii) above you must provide a written construction schedule outlining the start and completion date for each item identified in the Engineer's design repair method.

3. If repairs are undertaken, that the owner diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Repair the ceiling in the living room so it is in good repair, free of cracks, holes, loose or lifting coverings and in a condition that renders it easy to clean.
 - b. Repair the ceiling in the kitchen so it is in good repair, free of cracks, holes, loose or lifting coverings and in a condition that renders it easy to clean.
 - c. Repair the floor in the living room so it is in good repair, free of cracks, holes, loose or lifting coverings and in a condition that renders it easy to clean.
 - d. Repair the walls in the living room so that they are in good repair, free of cracks, holes, loose or lifting coverings and in a condition that renders them easy to clean.
 - e. Repair the walls in the kitchen so that they are in good repair, free of cracks, holes, loose or lifting coverings and in a condition that renders them easy to clean.
 - f. Repair the chimney so it is in good repair, free of cracks, holes, loose or lifting coverings and in a condition that renders it easy to clean.
 - g. Repair the back entry door, so it is in a weatherproof condition.

- h. Ensure that the bedroom window is capable of being opened without tools or special knowledge and has an unobstructed opening with an area that is not less than 3.8 square feet, with no dimension less than 15 inches.
- i. Repair the bathroom sink tap so it is securely fastened and flush with the counter.
- j. Repair the bathroom sink counter cabinet so it is secure and sealed to the wall.

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 Drumheller, Alberta on April 24, 2012

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 within ten (10) days after receiving the order to the Public Health Appeal Board located at 24th Floor, Telus Plaza, 10025 - Jasper Avenue, Edmonton, Alberta, T5J 1S6. Telephone (780) 427-2813.

The terms of this Order remain in effect notwithstanding the filing or proposed filing of any such appeal. If you appeal, you may also make an application to the Board for a stay of this Order pending the appeal.

A copy of the Public Health Appeal form may be obtained by contacting Alberta Health Services at (780) 342-0122, or the Public Health Appeal Board (780) 427-2813.

You are advised that all orders remain in effect pending such an appeal.

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 & Wellness at (780) 427-4518, or by visiting: www.health.alberta.ca/about/health-legislation.html