

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

TO: Phong Ly

And To: All Occupants of the premise located in Kneehill County, Alberta and municipally described as:

Plan 9312630 Block 1 Lot 1
334022 Range Road 240
Kneehill County, Alberta

RE: Those premises located in Kneehill County, Alberta and municipally described as:

**Plan 9312630 Block 1 Lot 1
334022 Range Road 240
Kneehill County, Alberta**

WHEREAS, pursuant to section 62 of the Public Health Act Chapter P-37 of the Revised Statutes of Alberta 2000, an Executive Officer who, following an inspection, has reasonable and probable grounds to believe that a nuisance exists in or on the place that was the subject of the inspection or that the place or the owner of it or any other person is in contravention of this Act or the regulations, the Executive Officer may issue a written order,

AND WHEREAS I, Executive Officer of Alberta Health Services, have inspected the above noted premises and found to exist conditions which are or might become injurious or dangerous to the public health or that might hinder the prevention or suppression of disease or are in contravention of the Nuisance and General Sanitation Regulation promulgated pursuant to Section 66 of the Public Health Act namely:

- Mould growth and/or conditions that support mould growth are evident within the premises. Excess heat and humidity produced during the plant growing activities are suitable conditions for mould growth. Evidence of a large plant growing operation and related activities is evident throughout the basement. This is a breach of Section 2(1) of the Nuisance and General Sanitation Regulation in which states that “no person shall create, commit or maintain a nuisance”.
- Surfaces throughout the growing and mixing areas are contaminated from the use of chemical/fertilizer solutions. Plant growing and related activities are evident throughout

the basement. This is a breach of Section 2(1) of the Nuisance and General Sanitation Regulation in which states that “no person shall create, commit or maintain a nuisance”.

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:

- Evidence is observed that shows that the combustion gases from disconnected and redirected exhaust stacks from the furnace was being discharged into the premises before this inspection. This is a breach of Section 8 (a) of the Minimum Housing and Health Standards which states “All heating facilities within a housing premises are to be properly installed and maintained in good working condition.
- The window in the north-east upstairs bedroom, the east facing small bedroom and the upstairs north-west bedroom is observed to have an openable area of 33 x 13 inches. This is a contravention of Section 3 (b) (i) and (ii) of the Minimum Housing and Health Standards which states “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” and “Windows referred to in section 3 (b) (i) shall provide unobstructed openings with areas not less than 0.35 m₂ (3.8 ft₂), With no dimension less than 380mm (15”). “
- Multiple ceiling tiles are observed to be missing in the basement, holes are observed in the walls throughout the basement area and large sections of the floor and the walls of the basement are observed to be damaged so that they are not in good repair and are not easy to clean. This is a contravention of Section 5 of the Minimum Housing and Health Standards which states “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.”
- No hot running water is available in the house. This is a contravention of Section 9 of the Minimum Housing and Health Standards which states “Every building used in whole or in part, as a housing premises must be supplied with a potable water supply of sufficient volume, pressure and temperature to serve the needs of the inhabitants” and “All hot running water shall be maintained at a temperature of not less than 46 degrees C (114°F) and not more than 60 degrees C (140°F) measured at the plumbing fixture”.
- The downstairs bathroom has no ventilation. This is a contravention of Section 7 (c) of the Minimum Housing and Health Standards which states “All rooms containing a flush toilet and/or bathtub or shower shall be provided with natural or mechanical ventilation”.

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 above noted premises be vacated immediately.
2. That the above noted premises be secured from any and all unauthorized entry.
3. That all products that may rot or decay be removed from the premises and properly disposed of in a safe and sanitary manner.
4. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Retain the services of an **Environmental Health or Indoor Air Quality Consultant** to:
 - assess the conditions within the above noted premises including the carrying out of environmental air quality analyses of the interior spaces (including the attic, wall and floor cavities, and crawlspaces) for water and mould damage; and
 - prepare for review by Alberta Health Services a detailed assessment report and scope of work plan, including a hazardous materials audit and management plan.

Testing and reporting shall follow the requirements outlined in Alberta Health Services' Fungal Air Testing Protocol, which can be found at <http://www.albertahealthservices.ca/EnvironmentalHealth/wf-eh-fungal-air-testing-for-mould-contaminated-buildings.pdf>. Testing and reporting must include extensive intrusive and destructive testing and shall include inspection and assessment of hidden cavities and surfaces such as, but not limited to, cutting access holes (or using boroscopes) into walls and ceilings, lifting carpets or vinyl sheet flooring, removing wallpaper for investigation purposes. The consultant's report shall, at a minimum, describe the building construction, finishes, materials and components and the results of their investigations along with recommendations for restoration, repair, and the remediation as required for reoccupation of the building. Due to the potential for moisture issues, extensive intrusive and/or destructive testing must be performed throughout all levels to ensure no hidden moisture concerns or moulds exist between internal and external walls. The insulation, vapour barrier and external wall sheathing shall be thoroughly examined for damages, moisture, and suspect mould growth. Testing locations must include upper edges of walls and areas below windows. All baseboards and all window trim throughout the premises must be removed to allow observation of the area behind.

- b. **Prior to performing any work inside the above noted premises** apply for and obtain all permits and approvals required by law, including, but not limited to, Environmental Restoration, Electrical, Plumbing, Gas and/or Mechanical permits. (The Environmental Restoration permit may require that you obtain the services of a Professional Engineer (Alberta) to provide an intended Scope of Work report which shall describe the building construction, finishes, materials and components and the results of their investigations along with recommendations for restoration, repair, and remediation as required for reoccupation of the

building. Any such Report shall be forwarded to Alberta Health Services.) *It is important that services (electricity and natural gas) be reinstated to allow the provision of light, heat and hot water to facilitate proper cleaning.*

- c. Retain the services of contractors to make all structural, electrical, and mechanical repairs necessary, all in compliance with applicable codes and regulations, and thereafter provide Alberta Health Services with a report or reports from such contractor or contractors confirming the work performed.
- **All damages shall be properly repaired, inspected and reported on as to the suitability of the repairs prior to replacement of new materials.**
 - **Note that inspections by all of the appropriate regulatory agencies must be performed prior to covering up any repair or investigation sites**
- d. **Ensure that water, gas and electrical services are properly reinstated by the providers of such utility services.**
- e. Retain the services of a restoration and mould remediation specialist, approved by Alberta Health Services, to remove and replace or clean, as required, any and all drywall, building materials, and finishing materials, or any other item that is or may be water damaged, infested with or damaged by mould or bacteria or otherwise contaminated with chemicals or other substances of concern, all in accordance with the direction required at item 4.a, above. (Reference should be made to Mould Guidelines for the Canadian Construction Industry located at <http://www.cca-acc.com/documents/cca82/cca82.pdf> .)
- All materials related to the plant growing operation that are remaining, including pots, soil, fans, lights, chemicals and general rubbish, shall be removed and disposed of and a manifest attesting to this disposal provided to Alberta Health Services. **Chemicals and chemical mixtures are not to be disposed of in the septic system, sanitary nor storm sewers.**
 - All furnishings and window coverings throughout shall be removed and professionally cleaned or disposed of and shall not be reinstalled nor stored in an attached garage due to the chance of recontamination.
 - Building products requiring removal shall be tested for hazardous content where deemed necessary by the professional consultant.
 - **All paneling, drywall, vapour barrier, insulation throughout the basement, the basement stairway and the north-east upstairs bedroom, including ceilings and rim board areas, shall be removed and disposed of. All contaminated wood framing throughout the basement shall be removed and disposed of. All concrete basement walls and floors shall then be thoroughly washed with detergent and water and quickly dried. The concrete basement floor shall not be covered or painted until after remediation and air sampling is complete and has been accepted by Alberta Health Services.**

- All window trim around all windows shall be removed to enable thorough assessment of the surfaces behind.
 - All damaged flooring materials throughout the premises shall be properly removed and disposed of and the sub floor assessed for suitability after thorough cleaning.
 - The basement stairs must undergo thorough, aggressive scrubbing.
 - All attic insulation and vapour barriers shall be inspected for soundness and repaired or replaced as necessary. The roof sheathing and roof trusses must be inspected for damaged and if needed thoroughly cleaned, repaired or replaced. Detailed photographic evidence and a written assessment of the attic space and the conditions within shall be submitted to Alberta Health Services along with the initial assessment report.
 - All remaining hard surfaces throughout, including but not limited to walls, floors, doors, cupboards, shall be thoroughly washed with detergent and water.
- f. Retain the services of a licensed furnace company to inspect, clean and disinfect the HVAC supply air ducts, floor vents, return air plenums and the furnace within the premises. This required cleaning shall take place as a final step after the completion of all remediation work but before final air sampling.
- g. Ensure that the qualified Environmental Consultant completes air sampling collection and processing and submits results to AHS for review. Air sampling must follow the procedures outlined in the AHS document "Fungal Air Testing, Investigation and Reporting Requirements for Extensively Mould-Contaminated Buildings".
- h. Ensure that additional, general renovation work, including painting, reinstallation of drywall and laying of new flooring and/or sub floors does not occur until the work identified in items 5a through 5g above has been completed to the satisfaction of Alberta Health Services.
- i. Provide a detailed remediation and repair report which includes copies of all disposal manifests for removed materials, invoices for new, replacement materials, work orders, receipts, results, photos, inspection certificates and any other documentation pertaining to the work required hereby to Alberta Health Services.
- j. Take any further steps in the interests of preserving and maintaining the health of any person who may, in the future, occupy the above noted premises as may be required by the Executive Officer.
- k. Ensure that all bedrooms or sleeping rooms are equipped with windows that have an unobstructed opening area of not less than 0.32 m² with no dimensions less than 380 mm.

- l. Ensure that the finishes on all floors walls and ceilings are constructed in a manner that renders them easy to clean.
- m. Ensure that all bathrooms containing a flush toilet, a bathtub or a shower is provided with functional mechanical or natural ventilation.

The above noted premises shall remain vacant and shall be secured from unauthorized entry until such time as the above noted items have been completed to the satisfaction of an executive officer.. Entry may be authorized only for the purposes of complying with this Order.

The above conditions were noted at the time of inspection and may not necessarily reflect all deficiencies. You are advised that further repairs may be required to ensure full compliance of the Housing Regulation and/or the Nuisance and General Sanitation Regulation, or to prevent a Public Health Nuisance.

This order remains in effect until the nuisance has been corrected to the satisfaction of an Executive Officer of Alberta Health Services. Failure to comply with this order will result in further action.

No person shall conceal, deface, destroy, or remove a notice posted pursuant to the Public Health Act.

Dated at Olds, Alberta, this 14 day of June, 2013.

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

www.albertahealthservices.ca/eph.asp