

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

To: Riley Kolton Spiers and/or Stan Spiers
"the owner"

And To: Christina Smith and all other occupant(s) of the following Housing premises:

RE: 5312 - 49 Avenue Amisk, Alberta
Plan 8120527; Block D; Lot 3

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 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 kitchen countertops are worn and in poor repair. This is in contravention of section 5 (a) (iii) of the Minimum housing and health standards which states: "Every housing premises shall be provided with a food preparation area that includes a counter or table used for food preparation which shall be of sound construction and furnished with surfaces that are easily cleaned."
- b. The wall behind the kitchen faucet is water damaged and in poor repair. This is in 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."
- c. The floors in the living room, bedrooms and the utility alcove consist of bare subfloor which is not impervious to water or easy to clean. This is in 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."
- d. There are no operational smoke alarms within the dwelling. This is in contravention of section 12 of the Minimum Housing and Health Standards which states: "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." And section 12 (a) which states: "Smoke alarms shall be operational and in good repair at all times."
- e. There is water damage to the ceilings in rooms throughout the premise. This is in 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."

- f. There is water damage and evidence of rot on the front bay window. There is exposed spray foam insulation around several windows which is not capable of being properly cleaned. This is in 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."
- g. The electrical system is in disrepair. There are hanging wires and coverless outlets in the utility alcove, and a broken light switch in the bathroom. This is in contravention of section 11 of the Minimum Housing and Health Standards which states: "Every housing premise 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."
- h. The bathroom tub surround has rotted out and the linoleum floor is not in good repair or properly sealed so as to provide a barrier to moisture. The exhaust fan is missing and there is fiberglass insulation hanging out of the resultant hole in the ceiling. This is in contravention of section 5 (a) of the Minimum housing and health standards which states: "Rooms containing a flush toilet and/or a bathtub or shower shall have walls and floors that are smooth, non-absorbent to moisture and easy to clean. All walls shall form a watertight joint with each other, the floor, the ceiling and where applicable with the bathtub or shower."
- i. The windows in the master bedroom are missing the crank to open them. Also the window design is such that there is not an unobstructed opening of sufficient size to provide egress. This is in contravention of section 3 (b) (i) & (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. Windows referred to **in section 3(b)(i)** shall provide unobstructed openings with areas not less than 0.35 m² (3.8ft²), with no dimension less than 380 mm (15")."

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 October 31, 2014.
2. That the owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Repair the kitchen countertops so they are durable, impervious to water and easily cleanable.
 - b. Repair the water damaged wall behind the sink and properly seal the area to prevent water infiltration.
 - c. Install proper finishes on the floors throughout the premise. Repair or replace any existing floor material that is damaged.
 - d. Install smoke detectors in appropriate locations.
 - e. Remove water damaged ceiling materials and replace with new material.
 - f. Repair the bay window in the living room so that it is wind, water and weatherproof.

- g. Bring the electrical system up to code.
 - h. Repair/refinish the bathroom floors, walls, ceilings and tub surround.
 - i. Replace the ceiling fan in the bathroom.
 - j. Ensure that there is a suitably sized window to provide egress and ventilation in every sleeping area.
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 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 Wainwright, Alberta, October 15, 2014.

Confirmation of a verbal order issued to Stan Spiers and Christina Smith on October 10, 2014.

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 Reception, Main Floor, Telus Plaza, 10025 Jasper Avenue, Edmonton, Alberta, T5J 1S6, Telephone 780-427-2813 Fax 780-422-0914.

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.

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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