

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

To: David Gordon Ellis and Cindy Lou Ellis
"the Owner"

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

RE: Those housing premises located in County of Wetaskiwin, Alberta and municipally described as:
470014 Range Rd 272
SE-03-47-27-W4M

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. The Private Sewage Disposal System (PSDS) for this housing premise is in a state of disrepair such that sewage effluent is being discharged onto the ground surface.
- b. The private water well for this housing premise is not properly protected from contamination.
- c. The sanitary drainage piping is in disrepair and is leaking.
- d. The large (approximately 500 lb) propane tank serving this dwelling is leaking gas.
- e. The bedrooms have window openings that are too small and are unable to open for emergency egress.
- f. There are no functioning smoke alarms in this housing premise.

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 PSDS is discharging sewage effluent onto the ground surface within 10 feet of the housing premise it serves. This condition is contrary to the requirements of the Housing Regulation, Section 3(1)(b)(i) and 3(2) which states: "the occupants of the housing premises are supplied with adequate sanitary facilities, including a sanitary drainage system or private sewage disposal system."; 3(2): "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."
- b. The private water well for this housing premise is in a well pit, and therefore not protected from contamination. This condition is contrary to the requirements of the Housing Regulation, Section 3(1)(b)(iii) which states: "an owner shall ensure that running hot and cold water that is safe for human consumption".

- c. The sanitary drainage piping for this housing premise is in disrepair and leaking. This condition is contrary to the requirements of the Housing Regulation, Section 3(1)(b)(i) and 3(2) which states: “the occupants of the housing premises are supplied with adequate sanitary facilities, including a sanitary drainage system or private sewage disposal system.”; 3(2): “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.”
- d. The large exterior propane tank is leaking gas. This condition is contrary to the Nuisance and General Sanitation Regulations, Section 2(1) which states: “No person shall create, commit or maintain a nuisance”.
- e. The bedrooms have window openings that do not meet the requirements for emergency egress. The size is too small and the windows do not open. This condition is contrary to the requirements of section 3 of the Minimum Housing and Health Standard, which states: “For buildings of 3 stories or less and except where a bedroom door provides access directly to the exterior or the suite has a sprinkler, each bedroom shall have at least one outside window which may be opened from the inside without the use of tools or special knowledge”.
- f. There are no functional smoke alarms in the housing premises. This condition is contrary to 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, (a) Smoke alarms shall be operational and in good repair at all times.”
- g. The main exterior door is not insulated or properly constructed as an exterior door. This condition is contrary to the requirements of the Minimum Housing and Health Standards, Section 3(a) which states, “Exterior windows and doors shall be capable of being secured.”
- h. Some of the windows are in disrepair. This condition is contrary to the requirements of the Minimum Housing and Health Standards, Section 2(b)(i) and (iii) which states: “(i) all windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof.”; (iii) “During the portion of the year when there is need for protection against flies and other flying insects, every window or other device intended for ventilation shall be supplied with effective screens.”
- i. There are areas within the housing premises, where the flooring is in disrepair. This condition is contrary to the requirements of the Housing Regulation, Section 3(1)(a) which states: “an owner shall ensure that (a) the housing premises are (i) structurally sound, (ii) in a safe condition, (iii) in good repair, and (iv) maintained in a waterproof, windproof and weatherproof condition.” This is also contrary to the requirements of the Minimum Housing and Health Standards, Part III, Section 1(a) which states, “The housing premises shall be structurally sound.” And, (c) “Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.”
- j. The interior sets of stairs are not provided with hand rails. There are no exterior steps to serve the master bedroom exit door (4 foot drop from threshold). These conditions are contrary to the requirements of the Housing Regulation, Section 3(1)(a) which states: “Subject to subsection (3) and Section 4, an owner shall ensure that (a) the housing premises are (i) structurally sound, (ii) in a safe condition, (iii) in good repair, and (iv) maintained in a waterproof, windproof and weatherproof condition.” This is also contrary to the requirements of the Minimum Housing and Health Standards, Part III, Section 1(a) which states: “The housing premises shall be structurally sound.”; And, (c) “Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.” This condition is also contrary to the Minimum Housing and Health Standards, Section 3(c)(i) which states: “Inside or outside stairs or porches including all

- treads, risers, supporting structural members, handrails, guards and balconies, shall be maintained in good repair and shall comply with the requirements of the Alberta Building Code or a Professional Engineer design.”
- k. Electrical connections associated with the water heater are in a state of disrepair. Other electrical connections are missing cover plates, and bare wiring is exposed. This condition is contrary to the requirements of the Housing Regulation, Section 3(1)(a) which states: “Subject to subsection (3) and Section 4, an owner shall ensure that (a) the housing premises are (i) structurally sound, (ii) in a safe condition, (iii) in good repair, and (iv) maintained in a waterproof, windproof and weatherproof condition.” This condition is also contrary to the Minimum Housing and Health Standards, Section 11 which states: “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.”
 - l. There is standing water on the basement cement floor. This condition is contrary to the requirements of the Housing Regulation, Section 3(1)(a) which states: “Subject to subsection (3) and Section 4, an owner shall ensure that (a) the housing premises are (i) structurally sound, (ii) in a safe condition, (iii) in good repair, and (iv) maintained in a waterproof, windproof and weatherproof condition.” This is also contrary to the requirements of the Minimum Housing and Health Standards, Part III, Section 1(a) which states: “The housing premises shall be structurally sound.” And, (c) “Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.”
 - m. Basement walls are not insulated. This condition is contrary to the requirements of the Housing Regulation, Section 3(1)(a) which states: “Subject to subsection (3) and Section 4, an owner shall ensure that (a) the housing premises are (i) structurally sound, (ii) in a safe condition, (iii) in good repair, and (iv) maintained in a waterproof, windproof and weatherproof condition.” This is also contrary to the requirements of the Minimum Housing and Health Standards, Part III, Section 1(a) which states: “The housing premises shall be structurally sound.” And, (c) “Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.”

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 July 31, 2016.
2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. The Private Sewage Disposal System be assessed and repaired or replaced as determined by a qualified Private Sewage Disposal System contractor. This system will also need to meet the requirements of the Alberta Private Sewage Systems, Standard of Practice. While the tenants still have right of occupancy, the sewage holding tank is to be emptied when full by a qualified vacuum truck technician and the contents hauled to an approved disposal site.
 - b. The private water well is to be protected from possible sources of contamination. The well case will need to be extended above the ground surface and the well pit filled in.

- c. All sanitary drain piping will need to be assessed and installed by a qualified plumber.
 - d. The large exterior propane tank will need to be assessed and repaired by a qualified gas technician.
 - e. Bedroom windows must meet the minimum sizing requirements and must be able to open accordingly.
 - f. Have properly functioning smoke alarms installed at all bedroom locations or in the hall outside a group of bedrooms and on each floor.
 - g. All exterior doors and windows must be capable of being properly constructed, insulated, locked and secured.
 - h. Replace any broken or missing panes of glass and provide properly fitted screens for all openable windows.
 - i. All damaged flooring materials will need to be removed and replaced with new material and refinished, covered or sealed, as appropriate.
 - j. Install steps for the master bedroom exit door and install/secure hand railing on stairways as required by the applicable Alberta Building Code.
 - k. Have a qualified electrical technician check all of the electrical connections for the water heater and install the appropriate cover plates for all connections. Install a proper and secure barrier between the bedroom and the water heater closet.
 - l. Determine the source of the water on the basement floor and make all necessary repairs to prevent water from entering and accumulating in the basement.
 - m. Properly frame, insulate and vapour barrier all interior basement walls, as per Alberta Building Code. Remove and replace any water damaged/mold contaminated materials during this process.
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 Wetaskiwin, Alberta, June 29, 2016.

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, Telus Plaza North Tower
10025 Jasper Avenue NW
Edmonton, Alberta, T5J 1S6
Phone: 780-427-2813
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

Template revised January 22, 2016