

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

**To: Darcey Kenneth Schmelke, Owner
Laurence and Maureen Leischner, Landlord**

And To: Mr. and Mrs. Joe and Maria Balazs, Occupants

RE: SW 15-33-26-W4, Torrington, Alberta

WHEREAS I, 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 heating system was in disrepair at the time of the inspection. There is concern that the heating system had been malfunctioning and may have been emitting noxious vapors or fumes which can create a health and safety risk to the occupants of the home. The heating system appears to be malfunctioning and may be emitting noxious vapors or fumes. This is in contravention of Section 2(2)(h)(iii) of the Alberta Regulation 243/2003 of the Public Health Act Nuisance and General Sanitation Regulation which states lack of ventilation is sufficient to render harmless any gases, vapors, dust or other impurities generated in it.
- b. All windows with the exception of the kitchen and upstairs bedroom window were sealed shut. The lack of ventilation is not sufficient to render harmless any gases, vapors, dust or other impurities in the home.

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 propane heating system is in disrepair. The following conditions were observed:
 - The heating system is an older model unit which was not working at the time of the inspection. The propane to this unit had been shut-off on March 16, 2012 by a qualified professional who was concerned the heating system was malfunctioning and may have been emitting noxious vapors or fumes.
 - The venting from the furnace ran up through the original brick chimney that goes through the home. There were small holes in the venting pipe as well, there was a coffee can plugging one hole and a piece of cardboard plugging another hole in the duct work. There is concern that the vapors or fumes from the propane furnace may not be properly vented to the exterior of the home.

These are in contravention of Section IV(8)(a) of the Minimum Housing and Health Standards which states, "all heating facilities within a housing premise are to be properly installed and maintained in good working condition and be capable of safely and adequately heating all habitable rooms, bathrooms, and toilet rooms

within the building”. This is also a violation of Section IV(7)(d) which states, “every owner of a housing premises shall ensure a continuous supply of electricity, water and heat unless the rental agreement stipulates that such utility services are the sole responsibility of the occupant.”

- The temperature in the home was between 8°C and 10°C. This is in contravention of Section IV (8)(a)(i) of the Minimum Housing and Health Standards which states, “All heating facilities within a housing premise are to be properly installed and maintained in good working condition and be capable of safely and adequately heating all habitable rooms, bathrooms, and toilet rooms within the building to a temperature of at least 22°C.”
 - Two portable electrical space heaters were being used as the primary source of heat. This is in contravention of Section IV(8)(c) of the Minimum Housing and Health Standards which states, “Cooking appliances and portable space heaters shall not be used as a primary source for the required heat to a habitable room.”
- b. The windows in the home were in disrepair. The following conditions were observed:
- The locking mechanism for the second floor bedroom window was in disrepair. The window measures 47.5 inches by 29 inches. The bottom edge of the window is less than three feet from the floor. The window cannot be secured and poses a safety hazard for a child who could easily fall out of the window. This is in contravention of Section III(3)(a) of the Minimum Housing and Health Standards which states, “Exterior windows and doors shall be capable of being secured.”
 - The main floor bedroom window was sufficient in size for emergency egress measuring 26 inches x 26 inches however; the window was sealed shut and could not be opened. This is in contravention of Section III(3)(b) of the Minimum Housing and Health Standards which states, “For buildings of three 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.”
 - The main floor bedroom window was sealed shut. This is in contravention of Section III(4)(a) and (b) of the Minimum Housing and Health Standards which states, “All rooms used for sleeping shall be provided with an openable window or mechanical ventilation which conforms with the requirements of the Alberta Building Code.”
- c. There were no handrails on the stairs leading to the basement and up to the second floor of the home. In addition, there was no railing around the landing of the stairs on the second floor. This is in contravention of Section III(3)(c) of the Minimum Housing and Health Standards which states, “Inside or outside stairs or porches including all treads, risers, supporting structural members, rails, 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.”
- d. The washroom did not have adequate ventilation. This is in contravention of Section IV(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. “
- e. The electrical service was in disrepair. The following was observed:
- The electrical panel in the basement had exposed wires coming out the back of the box and it appears as though the panel could be original to the home.
 - The electrical outlet covers on plugs and switches in the main floor bedroom were missing.
 - There were exposed wires coming from the wall in the main floor bedroom.

- There was an open junction box with exposed wires on the west side of the furnace as well as near the west wall in the basement.

These conditions were in contravention of Section IV (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."

- f. There were no smoke alarms in the home. This is in contravention of Section IV(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."
- g. The landlord attempted to have the furnace repaired on Wednesday, March 21, 2012 however, access was denied by the tenant. This is in contravention of Section V(17) of the Minimum Housing and Health Standards which states, "Every tenant shall allow access for repairs as part of the requirements of the Residential Tenancy Act."
- h. There was water damage evident along the ceiling beam that divided the front entrance from the living room. The paint in this area was bubbling and cracking. This is in contravention of Section III(1)(c) which states, "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**:

- a. That the occupants vacate the above noted premises on or before March 23, 2012.
- b. That the owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a) The propane heating and ventilation system must be assessed by a qualified professional and all identified deficiencies must be repaired. This assessment must involve carbon monoxide testing. All heating facilities within a housing premise must be properly installed and maintained in good working condition and must be capable of safely and adequately heating all habitable rooms.
 - b) All windows must have locking mechanisms and intact insect screens in place. All bedroom windows and windows in any room that is used as a sleeping area must be repaired or replaced so they can be easily opened for emergency egress.
 - c) Handrails must be installed on the stairs leading to the basement and up to the second floor of the home. In addition, a railing must be installed around the landing of the stairs on the second floor. All handrails must be maintained in good repair.
 - d) The window in the washroom must be repaired or replaced so that it will open or a mechanical system can be installed to provide adequate ventilation.

- e) The electrical system must be assessed by a qualified professional to ensure it is in safe operating condition. Any identified deficiencies must be corrected. All exposed wires, uncovered sockets and uncovered switches must be repaired.
 - f) Smoke alarms must 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.
 - g) The occupant must allow the landlord access to the home, as per the Residential Tenancy Act, so all identified violations of the Minimum Housing and Health Standard can be addressed.
 - h) The cause for the water damage to the ceiling beam that divides the front entrance and living room must be assessed by a qualified professional. All identified deficiencies must be corrected. All damaged building supplies must be repaired or replaced and the area must be repainted.
- c. 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 Olds, Alberta, March 26, 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.

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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

Confirmation of an oral order issued to Laurence Leischner and Joe and Maria Balazs, at 1600 hrs on March 23, 2012.