

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

To: Marie E Gazdarica
"the Owner"

And To: All Occupant(s) of the following Housing premises: 5209 Marbank Drive NE

RE: Those housing premises located in Calgary, Alberta and municipally described as: 5209 Marbank Drive NE

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 smoke alarm installed upstairs between the bedrooms was hanging by its electrical wires and was not working.
- b. There was evidence of water infiltration into the home. Several water damaged areas were observed on ceilings throughout the home and tenants indicated that they use buckets to collect water infiltration when it rains.
- c. The shingles on the roof were curled, rotted, missing, or falling off. Some shingles were found on the front yard.
- d. The ceiling in the upper bedroom (near the bathroom) was collapsing.
- e. There was no light fixture installed along the stairway leading to the basement, making it unsafe to use the stairs when dark.
- f. There is a severe cockroach infestation in the home. There is evidence that the cockroach infestation is spreading to adjacent neighboring homes.
- g. There is a bed bug infestation in the home.
- h. There is a mouse infestation in the home.
- i. Due to a missing soffit exposing a large hole, pigeons are now accumulating in the roofing area, and this is creating a nuisance condition for the neighboring properties.
- j. There was no lock installed on the openable window in the washroom near the kitchen.
- k. The wall under the living room window was mouldy and water damaged.
- l. The wall in the upstairs bathroom was mouldy and water damaged.
- m. There is no kitchen sink available for the occupants to use.
- n. There is no stove in the kitchen.
- o. A windowpane in the upstairs north-facing bedroom was broken, the entire window had fallen off, and sharp glass edges were exposed.
- p. Portions of the exterior siding of the home were missing.
- q. There was a baseboard missing along the wall beside the cabinet in the upstairs bathroom.
- r. There was a baseboard missing along a kitchen wall near the fridge.

- s. A portion of a baseboard was missing behind the toilet in the upstairs bathroom.
- t. There was a hole observed on the ceiling above the kitchen window.
- u. A portion of the transition strip between the hallway floor and living room carpet was missing.
- v. There was a hole in the wall near the baseboards in the upstairs north-facing bedroom.
- w. There was a gap between the floor and base of the bathtub in the upstairs bathroom.
- x. The backyard was littered with furniture items, personal belongings, and garbage/refuse.

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 smoke alarm installed upstairs between the bedrooms was hanging by its electrical wires and was not working. This is a contravention of section IV(12)(a) of the Minimum Housing and Health Standards which states that: Smoke alarms shall be operational and in good repair at all times.
- b. There was evidence of water infiltration into the home. Several water damaged areas were observed on ceilings throughout the home and tenants indicated that they use buckets to collect water infiltration when it rains. This is a contravention of section III(1)(a,b) of the Minimum Housing and Health Standards which states that: the housing premises shall be structurally sound, and; basements, cellars or crawl spaces shall be structurally sound, and maintained in good repair and free from water infiltration and accumulation. This is also a contravention of section III(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 shingles on the roof were curled, rotted, missing, or falling off. Some shingles were found on the front yard. This is a contravention of section III(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 ceiling in the upper bedroom (near the bathroom) was collapsing. This is a contravention of section III(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.
- e. There was no light fixture installed along the stairway leading to the basement, making it unsafe to use the stairs when dark. This is a contravention of section IV(13) of the Minimum Housing and Health Standards which states that: Every public hallway and stairway in a housing premises with multiple dwellings shall be adequately lighted by natural or artificial light at all times, providing in all parts thereof at least 50 lux of light at each tread or floor level.
- f. There is a severe cockroach infestation in the home. There is evidence that the cockroach infestation is spreading to adjacent neighboring homes. This is a contravention of section V(16)(a) of the Minimum Housing and Health Standards which states that: The owner shall ensure that the housing premises are free of insect and rodent infestations.

- g. There is a bed bug infestation in the home. This is a contravention of section V(16)(a) of the Minimum Housing and Health Standards which states that: The owner shall ensure that the housing premises are free of insect and rodent infestations.
- h. There is a mouse infestation in the home. This is a contravention of section V(16)(a) of the Minimum Housing and Health Standards which states that: The owner shall ensure that the housing premises are free of insect and rodent infestations.
- i. Due to a missing soffit exposing a large hole, pigeons are now accumulating in the roofing area, and this is creating a nuisance condition for the neighboring properties. This is a contravention of section III(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. This is also a contravention of section 5(2) of the Public Health Act Housing Regulation, 1999 which states that: No person shall cause or permit any condition in housing premises that is or may become injurious or dangerous to the public health, including any condition that may hinder in any way the prevention or suppression of disease.
- j. There was no lock installed on the openable window in the washroom near the kitchen. This is a contravention of section III(3)(a) of the Minimum Housing and Health Standards which states that: Exterior windows and doors shall be capable of being secured.
- k. The wall under the living room window was mouldy and water damaged. This is a contravention of section III(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.
- l. The wall in the upstairs bathroom was mouldy and water damaged. This is a contravention of section III(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.
- m. There is no kitchen sink available for the occupants to use. This is a contravention of section IV(14)(a)(i) of the Minimum Housing and Health Standards which states that: Every housing premises shall be provided with a food preparation area, which includes: a kitchen sink that is supplied with potable hot and cold water and suitably sized to allow preparation of food, washing utensils and any other cleaning operation.
- n. There is no stove in the kitchen. This is a contravention of section IV(14)(a)(iv) of the Minimum Housing and Health Standards which states that: Every housing premises shall be provided with a food preparation area, which includes: a stove and a refrigerator that are maintained in a safe and proper operating condition.
- o. A windowpane in the upstairs north-facing bedroom was broken, the entire window had fallen off, and sharp glass edges were exposed. This is a contravention of section III(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.

- p. Portions of the exterior siding of the home were missing. This is a contravention of section III(2)(a) of the Minimum Housing and Health Standards which states that: The roof and exterior cladding of walls shall be maintained in a waterproof, windproof and weatherproof condition.
- q. There was a baseboard missing along the wall beside the cabinet in the upstairs bathroom. This is a contravention of section III(5)(a) of the Minimum Housing and Health Standards which states that: 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.
- r. There was a baseboard missing along a kitchen wall near the fridge. This is a contravention of section III(5)(b) of the Minimum Housing and Health Standards which states that: Rooms and sections of rooms that are used for food preparation and cooking shall have walls and floors constructed of materials which do not provide harbourage to dirt, grease, vermin and bacteria and that are easily kept clean.
- s. A portion of a baseboard was missing behind the toilet in the upstairs bathroom. This is a contravention of section III(5)(a) of the Minimum Housing and Health Standards which states that: 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.
- t. There was a hole observed on the ceiling above the kitchen window. This is a contravention of section III(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.
- u. A portion of the transition strip between the hallway floor and living room carpet was missing. This is a contravention of section III(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.
- v. There was a hole in the wall near the baseboards in the upstairs north-facing bedroom. This is a contravention of section III(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.
- w. There was a gap between the floor and base of the bathtub in the upstairs bathroom. This is a contravention of section III(5)(a) of the Minimum Housing and Health Standards which states that: 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.

- x. The backyard was littered with furniture items, personal belongings, and garbage/refuse. This is a contravention of section 5(2) of the Public Health Act Housing Regulation, 1999 which states that: No person shall cause or permit any condition in housing premises that is or may become injurious or dangerous to the public health, including any condition that may hinder in any way the prevention or suppression of disease.

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 September 30, 2023
2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Due to the age of the home, there may be asbestos containing materials in the home. Asbestos remediation may need to be completed while home repairs/renovations take place. Please ensure the home is tested for asbestos and proper remediation is completed should there be asbestos identified.
 - b. Repair or replace the smoke alarm upstairs between the bedrooms so it is fully operational.
 - c. Hire a qualified contractor to remove all rotting/damaged portions of the roof, find and stop the source of water infiltration into the home, and repair/replace the roof to prevent further water infiltration. Once the source of water infiltration into the home has been repaired, remove all water damaged building materials throughout the home and replace with new materials.
 - d. Repair the ceiling in the upper bedroom.
 - e. Replace all missing siding around the home.
 - f. Properly install a light fixture along the stairs to the basement.
 - g. Continue pest control treatment to eradicate the cockroach, mouse, and bed bug infestations. Provide documentation of work completed to an Executive Officer at Alberta Health Services.
 - h. Eliminate the pigeon infestation by repairing the exterior of the home and properly patching the hole in the soffit.
 - i. Install a lock on the window in the main floor washroom.
 - j. Determine and repair/eliminate the source of excess moisture or water infiltration causing mould growth on the wall underneath the living room window/ upstairs bathroom and repair. Then remove the water damaged/mouldy building materials and replace with new materials.
 - k. Install a suitably sized kitchen sink with running potable hot and cold water in the kitchen.
 - l. Install a fully operational stove in the kitchen.
 - m. Replace the broken window in the upstairs north-facing bedroom.
 - n. Install a baseboard along the wall beside the cabinet in the upstairs bathroom.
 - o. Install a baseboard on the wall near the fridge.
 - p. Install a baseboard on the wall behind the upstairs toilet.

- q. Install a transition strip between the hallway floor and living room carpet.
 - r. Patch the hole in the ceiling above the kitchen window.
 - s. Patch the hole in the wall near the baseboards in the upstairs north-facing bedroom.
 - t. Seal the joint between the base of the bathtub and the floor and ensure a water-tight joint is formed and the gap is eliminated.
 - u. Ensure all garbage/refuse littered on the backyard is properly disposed of.
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 Calgary, Alberta, August 21, 2023
Confirmation of a verbal order issued to Marie Gazdarica on August 18, 2023.

Executive Officer
Environmental Health Officer

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, ATB Place North Tower
10025 Jasper Avenue NW
Edmonton, Alberta, T5J 1S6
Phone: 780-222-5186
Fax: 780-422-0914
Email: HealthAppealBoard@gov.ab.ca
Website: <https://www.alberta.ca/public-health-appeal-board.aspx>

A Notice of Appeal form may be obtained by contacting the Public Health Appeal Board or visiting their website.

Electronic versions of the Public Health Act and Regulations are available at the Alberta King's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or <https://www.alberta.ca/alberta-kings-printer.aspx>.

Health Legislation and regulations are available for purchase. Please contact Alberta King's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or <https://www.alberta.ca/alberta-kings-printer.aspx>.

Copies of standards are available by visiting: <https://www.alberta.ca/health-standards-and-guidelines.aspx>

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