

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

To: Hartland Colony
"the Owner"

and

Eli Waldner
Chris Waldner
Paul Stahl
"the Directors"

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

RE: Those housing premises located in Lacombe County, Alberta and municipally described as: 22423 Hwy 605, NW 32-41-22 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. Inadequate heat. The ambient room temperature was measured at 9°C and the furnace was in disrepair.
- b. Heavy mice droppings and flies were observed throughout the dwelling.
- c. The foundation appeared to be in disrepair. Cracks and bulging walls were observed on the foundation.
- d. The sewage pipe in the basement was broken and sewage appeared to discharge directly on the ground.
- e. There were no smoke alarms installed in or near bedrooms.

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. Inadequate heat. The ambient room temperature was measured at 9°C and the furnace was in disrepair. These conditions are contrary to 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, and be capable of safely and adequately heating all habitable rooms, bathrooms, toilet rooms within the building to a temperature of (i) at least 22°C or (i) maintained at a temperature of at least 22°C when the

control of the supplied heat in a dwelling is the responsibility of a person other than the occupant.”

- b. Heavy mice droppings and flies were observed throughout the dwelling. This condition is contrary to section 16(a) of the Minimum Housing and Health Standards which states: “The owner shall ensure that the housing premises are free of insect and rodent infestations.”
- c. The foundation appeared to be in disrepair. The walls appear to bulge out and cracks noted on the foundation walls. Several rotten building material were observed throughout the dwelling and on the roof front decking. These conditions are contrary to sections 1(b)(c) of the Minimum Housing and Health Standards which states: “The owner shall ensure that the housing premises is structurally sound, in a safe condition, in good repair, and maintained in a waterproof, windproof and weatherproof condition. (b) Basements, cellars or crawl spaces shall be structurally sound, maintained in good repair and free from water infiltration and accumulation. (c) Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.”
- d. The sewage pipe in the basement was broken and sewage appeared to discharge directly on the ground. The bathtub faucet on the main floor continuously runs. The drainage pipe underneath the upper floor bathroom sink was broken. These conditions are contrary to sections 6(a)(c) of the Minimum Housing and Health Standards which states: “Every housing premises shall be connected to the public sewage system, or to an approved private sewage disposal system. (a) The plumbing system and the sanitary drainage system or private sewage disposal system, as the case may be, including drains, fixtures, traps, vents, stacks, waste disposal facilities, pump out sewage holding tanks, septic tanks and the disposal system shall be maintained in a proper operating condition. (c) All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.”
- e. There were no smoke alarms installed in or near bedrooms. 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.”
- f. The electrical system was not in good repair. Switch plate and electrical outlet covers were missing throughout the dwelling. Exposed electrical wiring were observed both inside and outside the dwelling. Light fixtures were detached from ceiling and wiring exposed. These conditions are contrary to section 11 of the Minimum Housing and Health Standards 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.”
- g. Handrails were missing on staircases inside and outside the dwelling. The guard on the deck and the deck structure were very unstable. These conditions are contrary to section 3 (c)(i) of the Minimum Housing and Health Standards 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.”
- h. Insect screens were missing on several windows. Large gaps were noted around and underneath many doors. Sealant foam used to seal air gaps/cracks on several walls. Large gaps noted between the wall and floor joint. These conditions are contrary to section 2 (b)(i)(iii) of the Minimum Housing and Health Standards 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 a need for protection against flies and other flying insects, every window or other device intended for ventilation shall be supplied with effective screens.”

- i. Water samples from the well have not been regularly submitted for microbial testing. This condition is contrary to section 3(1)(b)(iii) of the Housing Regulation which states: “An owner shall ensure that occupants of the housing premises are supplied with adequate running hot and cold water that is safe for consumption.”
- j. Kitchen counters and cupboards were in poor repair. This includes, but is not limited to: missing doors, missing drawers, missing handles, damaged or missing finishes inside the cupboards. These conditions are contrary to section 14(a)(ii)(iii) of the Minimum Housing and Health Standards which states: “Every housing premises shall be provided with a food preparation area, which includes: (ii) cupboards or other facilities suitable for the storage of food; and (iii) a counter or table used for food preparation which shall be of sound construction and furnished with surfaces that are easily cleaned.”
- k. Gutters on the roof were in disrepair and downspouts were missing. Damaged and missing cladding noted on the exterior walls. These conditions are contrary to section 2(a) of the Minimum Housing and Health Standards which states: “The roof and exterior cladding of walls shall be maintained in a waterproof, windproof and weatherproof condition.”
- l. The walls and floors in multiple rooms and bathrooms were severely damaged. Missing ceiling tiles were noted in the kitchen. Baseboards were missing in all the rooms and bathrooms. These conditions are contrary to 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.”
- m. No mechanical or natural ventilation in the main floor bathroom. The window was screwed shut. The hand sink in the upper floor bathroom was not operational. These conditions are contrary to section 7(a)(c) of the Minimum Housing and Health Standards which states: “Except where exempt by regulation, every housing premises shall be provided with plumbing fixtures of an approved type consisting of at least a flush toilet, a wash basin, and a bathtub or shower. (a) The washbasins and bathtub or shower shall be supplied with potable hot and cold running water. (c) 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 occupants vacate the above noted premises on or before May 14, 2021.
2. That the Owner undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Ensure the furnace is repaired/replaced and is capable of supplying adequate heat.
 - b. Ensure that the house is free of pests.
 - c. Ensure the foundation is repaired and approved by a qualified structural engineer. Further required actions will be based on this report.
 - d. Ensure all plumbing fixtures are in proper working order.
 - e. Ensure working smoke alarms are installed in bedrooms or within hallways serving the bedrooms.
 - f. Ensure the electrical system is repaired by a qualified electrician and approved by a safety codes officer.

- g. Ensure handrails are installed on all staircases. Ensure the guards on the deck as well as the deck are structurally sound and approved by a safety codes officer.
 - h. Ensure that all openable windows have insect screens. Ensure that all doors and windows are weatherproof.
 - i. Ensure that water samples from the well are submitted to the provincial lab for microbial and chemical analysis.
 - j. Repair or replace all damaged cupboards, counter finishes, and drawers.
 - k. Ensure that the gutters on the roof are in good repair. Install downspouts and ensure that all missing/damaged cladding are repaired/replaced.
 - l. Ensure that all walls, floors and baseboards are in good repair.
 - m. Ensure that all washrooms are provided with natural or mechanical ventilation, and that sinks are operational.
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 Ponoka, Alberta, May 11, 2021

Confirmation of a verbal order issued to Eli Waldner on May 7, 2021.

Executive Officer
Alberta Health Services

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 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: <https://www.alberta.ca/health-standards-and-guidelines.aspx>

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Copy: Lacombe County