

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

To: Robert Kitt
"the Owner"

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

RE: Those housing premises located in Mundare, Alberta and municipally described as:
5219 53 Avenue

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. There is no working smoke alarm in the premises.
- b. The front entrance door cannot be properly secured.
- c. The upstairs bedroom does not have a window which is suitable for emergency egress.
- d. There is damage to the upstairs bedroom walls, bathroom walls, the kitchen flooring and the living room ceiling.
- e. The roof is not in a weatherproof condition.

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. There is no working smoke alarm in the premises. This condition 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. (a) Smoke alarms shall be operational and in good repair at all times."
- b. The front door is missing the door knob and a nail is being used to secure it. This condition is in contravention of Section 3(a) of the Minimum Housing and Health Standards which states, "Exterior windows and doors shall be capable of being secured."
- c. The upstairs bedroom window does not meet emergency egress requirements. This condition is in contravention of Section 3b(ii) of the Minimum Housing and Health Standards which states, "Windows shall provide unobstructed openings with areas not less than 0.35 m² (3.8 ft²), with no dimension less than 380 mm (15 inches)."
- d. There is damage to the upstairs bedroom walls, bathroom walls, the kitchen flooring and the living room ceiling. 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.”
- e. The roof of the premise is not in a weatherproof condition. This condition is in contravention of Section 2(a) of the Minimum Housing and Health Standards which states, “Roof and exterior cladding. The roof and exterior cladding of walls shall be maintained in a waterproof, windproof and weatherproof condition.”
 - f. There are multiple single pane windows within the premises. This condition is in contravention of Section 2(b)(ii) of the Minimum Housing and Health Standards which states, “In housing premises intended for use during the winter months, windows in habitable rooms shall protect against cold weather through the provision of a storm sash, double glazing, or other durable thermal/air resistant barrier as may be approved by the Executive Officer.”
 - g. The kitchen and the upstairs bedroom windows are cracked. This condition is in contravention of Section 2(b)(i) of the Minimum Housing and Health Standards which states, “All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof.”
 - h. There is no handrail for either the outside porch, or upstairs steps. This condition is in contravention of 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.”
 - i. The bathtub surround has gone missing, and is not smooth, washable and water tight. This condition 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.”
 - j. The upstairs bedroom window screen is damaged and the living room window is missing the screen. This condition is in contravention of Section 2(b)(iii) of the Minimum Housing and Health Standards which states, “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.”

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 October 16, 2020.
2. That the Owner undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Ensure there is a working smoke alarm outside of each bedroom.
 - b. Ensure the front door is in good condition and can be properly secured.
 - c. Ensure the upstairs bedroom window meets emergency egress requirements.
 - d. Ensure all the damage to bedroom walls, bathroom walls, the kitchen flooring and the living room ceiling have been repaired.
 - e. Ensure the roof has been repaired so that it is in a weatherproof condition.

- f. Ensure that all the windows located in habitable rooms have the provision of storm sash, double glazing or other thermal/air resistant barrier.
 - g. Ensure all windows in the premises are in good condition and free of cracks.
 - h. Ensure there is a handrail installed for outside porch and for the upstairs steps.
 - i. Ensure the bathtub has a surround which is in good condition, smooth, non-absorbent to moisture and forms a watertight joint to the wall.
 - j. Ensure all of the windows intended for ventilation have a screen which is in good condition.
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 Lamont, Alberta, October 9, 2020

Confirmation of a verbal order issued to Robert Kitt on October 7, 2020.

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>

Template revised Feb 20, 2020

Copy: Town of Mundare