

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

To: Walter Komaniecki
"the Owner"

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

RE: Those housing premises located in Edmonton, Alberta and municipally described as:
10311 160 Street NW

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. Improperly vented hot water tank and furnace
- b. No hot water – (*Hot water heater shut off by safety codes officer due to life safety risk*)
- c. Exposed electrical wires
- d. Broken windows throughout property
- e. Damaged stove
- f. Basement windows do not meet requirements for emergency egress
- g. No smoke alarms
- h. Basement bathroom fan does not work
- i. Mold noted on walls in basement bathroom
- j. Leaking water pipe in basement above the stairs
- k. Broken toilet tank lid
- l. Broken shower head in upstairs washroom
- m. Handrails missing on stairs to basement
- n. Damaged drywall throughout property
- o. Dryer is not vented to the outside of the home

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. Item [a] is in contravention of Section 5(2) of the Housing Regulation 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/or Section IV (9)(a) of the Minimum Housing and Health Standards which states that: Every building used in whole or in part,

- as housing premises must be supplied with a potable water supply of sufficient volume, pressure and temperature to serve the needs of the inhabitants.
- b. Item [b] is in contravention of Section IV (9)(a) of the Minimum Housing and Health Standards which states that: Every building used in whole or in part, as housing premises must be supplied with a potable water supply of sufficient volume, pressure and temperature to serve the needs of the inhabitants. (a) All hot running water shall be maintained at a temperature of not less than 46 degrees C (114°F), and not more than 60 degrees C (140°F) measured at the plumbing fixture.
 - c. Item [c] is in contravention of Section IV (11) of the Minimum Housing and Health Standards which states that: 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.
 - d. Item [d] is in contravention of Section III 2(b)(i)(ii)(iii) of the Minimum Housing and Health Standards which states that: (i) All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof. (ii) 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. (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.
 - e. Item [e] is in 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: (iv) a stove and a refrigerator that are maintained in a safe and proper operating condition. The refrigerator shall be capable of maintaining a temperature of 4 degrees C. (40°F).
 - f. Item [f] is in contravention of Section III (3)(b)(i)(ii)(iii) of the Minimum Housing and Health Standards which states that: (b)(i) For buildings of 3 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 which may be opened from the inside without the use of tools or special knowledge. (ii) Windows referred to in section 3(b)(i) shall provide unobstructed openings with areas not less than 0.35 m² (3.8ft²), with no dimension less than 380 mm (15"). (iii) If the window referred in section 3(b)(i) is provided with security bars, the security bars shall be installed so they may be opened from the inside without the use of any tools or special knowledge.
 - g. Item [g] is in contravention of Section IV (12) of the Minimum Housing and Health Standards which states that: 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.
 - h. Item [h] is in contravention of Section IV (7)(c) of the Minimum Housing and Health Standards which states that: 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. (c) All rooms containing a flush toilet and/or bathtub or shower shall be provided with natural or mechanical ventilation.
 - i. Item [i] is in contravention of Section III (1)(c) of the Minimum Housing and Health Standards which states that: (c) Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
 - j. Item [j, k & l] are in contravention of Section IV(6)(a) of the Minimum Housing and Health Standards which states that: 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, pumpout sewage holding tanks, septic tanks and the disposal system shall be maintained in a proper operating condition.

- k. Item [m] is in contravention of Section III(3)(c)(i) of the Minimum Housing and Health Standards which states that: 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.
- l. Item [n] is in 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.
- m. Item [o] is in contravention of section 5(2) of the Housing Regulation 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 **Unfit for Human Habitation**.

NOW THEREFORE, I hereby **ORDER** and **DIRECT**:

1. That the occupants vacate the above noted premises on or before March 22, 2022.
2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Have hot water tank and furnace assessed and repaired by a certified plumber/gas fitter
 - b. Re-instate hot water once repairs have been completed on property venting the hot water tank
 - c. Have all electrical assessed and repaired by a certified electrician
 - d. Replace all broken windows
 - e. Repair/replace damaged stove
 - f. Install egress compliant basement bedroom windows
 - g. Install operational smoke alarms in the basement and upstairs
 - h. Ensure basement bathroom has working mechanical ventilation
 - i. Remove all water damaged and moldy drywall in basement bathroom
 - j. Repair leaking water line in basement above the stairs
 - k. Replace damaged toilet tank lid
 - l. Repair/replace damaged shower head in main floor bathroom
 - m. Install handrails on stairs to basement
 - n. Repair all damaged drywall throughout the property. You must retain the services of an Environmental Consultant or Industrial/Occupational Health Hygienist, that must be approved by Alberta Health Services and prior to the commencement of renovation or repairs: As this premise was built prior to 1990, the presence of asbestos within building materials is likely thus all precautions must be taken.

The consultant must assess the conditions within the above noted premises including performing applicable sampling for asbestos containing materials. In the

event asbestos is present provide Environmental Public Health with a written asbestos management/abatement plan in accordance with the Alberta Occupational Health and Safety Code for Asbestos abatement. Ensure proper removal/handling of impacted materials follow current codes and standards.

Have the environmental consultant assess the conditions within the above noted premises for all water damaged materials and mould. A full pre mould remediation inspection report is required. At a minimum the report must describe the building construction, finishes, materials and components and recommendations for restoration. All hazardous building materials are to be properly managed and disposed of in accordance with government standards and guidelines and industry codes of practice. Once the materials have been removed and a post mould remediation report is required this will include photographic evidence that all moldy material has been removed and environmental air quality sampling. Testing and reporting shall follow the requirements outlined in Alberta Health Services' Fungal Air Testing Protocol.

- o. Replace dryer vent, ensure it is properly vented to the outside of the home
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 Edmonton, Alberta, March 15, 2022

Confirmation of a verbal order issued to Walter Komaniecki on March 11, 2022.

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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