

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

To: Daniel Salumbre and Winnie Salumbre,
“the Owners”

Maria Aurora de Leon
“the Property Manager”

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

RE: Those housing premises located in **Edmonton**, Alberta and municipally described as:
4204 106 Avenue 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. The main floor bedrooms had crank style windows of similar size. Their openings were measured at 15” W x 33” H = 3.4 sqft. The basement bedroom had a sliding window with an opening measured at 16.25”W x 10”H = 1.1 sqft.
- b. The metal guardrails at the front entrance had a height of 29.5 inches, and 5 inches spacing between balusters.
- c. The basement bathroom did not have natural or mechanical ventilation.
- d. The Ground Fault Circuit Interrupter outlet in the basement bathroom did not stop the electricity flow when tested.
- e. The basement smoke alarm was not located near the bedroom. The laundry room stood between the smoke alarm and the bedroom.
- f. Visible mould was present in the main-floor south bedroom:
 - on the SE corner from the floor up about 4.5 feet.
 - on the bottom of the east wall approximately 4.5 sqft in size and long the baseboard.
 - on the south wall below the bottom west corner of the window and along the baseboard.

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 window openings in the main floor bedrooms were measured at 15"W x 33"H = 3.4 sqft. The window opening in the basement bedroom was measured at 16.25"W x 10"H = 1.1 sqft. They are in contravention of sections(3)(b)(i) & (ii) of the Minimum Housing and Health Standards which state: *"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." In addition, "Windows referred to above shall provide unobstructed openings with areas not less than 0.35 m2 (3.8ft2), with no dimension less than 380 mm (15")."*
- b. The metal guardrails at the front entrance had a height of 29.5 inches, and 5 inches spacing between balusters. They are 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, 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."*
- c. The basement bathroom did not have natural or mechanical ventilation. It is in contravention of section (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."*
- d. The Ground Fault Circuit Interrupter outlet in the basement bathroom did not stop the electricity flow when tested. It is in contravention of 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."*
- e. The basement smoke alarm was not located near the bedroom. The laundry room stood between the smoke alarm and the bedroom. It 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."*
- f. Visible mould was present in the main-floor south bedroom - on the SE corner from the floor up about 4.5 feet; on the bottom of the east wall approximately 4.5 sqft in size and long the baseboard; and on the south wall below the bottom west corner of the window and along the baseboard. They are in contravention of section (1)(c) of the Minimum Housing and Health Standards which states: *"Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced."* They are also in contravention of section 5(2) of the Housing Regulation which states: *"No person shall cause or permit any condition in the 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 **February 1, 2024**.
2. That the Owner diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Replace the windows in all four bedrooms to comply with the emergency egress requirements.
 - b. Replace or retrofit the metal guardrails at the front entrance. The height of the guardrails should be at least 36 inches with no openings greater than 4 inches.
 - c. Install a mechanical fan in the basement bathroom.
 - d. Replace the defective Ground Fault Circuit Interrupter in the basement bathroom.
 - e. Install a working smoke alarm inside or outside the basement bedroom close to the bedroom door.
 - f. Retain the services of a qualified mould remediation company to conduct a mould assessment and remediation. Submit to our office report(s) from the mould remediation company detailing their findings and remediation process. Insulation replacement may be required to reduce condensation on the exterior walls.
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 Edmonton, Alberta, January 23, 2024

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.

Health Legislation, Regulations and Standards

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>