

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

To: **James Leslie Schiele**
“the Owner”

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

RE: Those housing premises located in Gibbons, Alberta and municipally described as:
5424 51 Street; Plan 7521277, Block 1, Lot 58

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 an electrical outlet that is not properly installed as it is hanging from the ceiling in the kitchen.
- b. There is an electrical outlet located in the basement that is missing its cover.
- c. The kitchen counter top behind the stove is not properly installed as it is loose.
- d. There is no smoke detector/alarm located in the hall serving the bedrooms.
- e. The main floor bathtub surround is not properly sealed to the wall as it is loose along the edge.
- f. There are no window screens in an upstairs and in the downstairs bedrooms.
- g. The master bedroom window does not exit the house directly as it enters the rear addition and it is obstructed by the addition ceiling preventing it from fully opening.
- h. The handrail to the basement is not properly secured to the wall and was loose.
- i. One of the basement bedroom windows is obstructed with a grate and the other basement bedroom window opens directly under the addition which hinders emergency egress.
- j. The basement bedroom windows do not meet the minimum size requirements for emergency egress as they measured ~16 3/4 inch by 16 inch.
- k. The basement toilet did not flush properly and appeared to be leaking.
- l. Water was reported infiltrating from the south basement window (excess standing water exists outside the window), laundry room and northwest bedroom.
- m. Elevated moisture levels were detected in the water stained flooring of the northwest basement bedroom as indicated by utilizing a moisture meter. The room had a very strong musty odor indicative of the potential presence of mold.
- n. The roof of the rear addition was reported to leak and there was elevated moisture detected in the flooring as indicated by utilizing a moisture meter.

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 an electrical outlet that is not properly installed as it is hanging from the ceiling in the kitchen. This is in contravention of Section 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.”*
- b. There is an electrical outlet located in the basement that is missing its cover. This is in contravention of Section 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.”*
- c. The kitchen counter top behind the stove is not properly installed as it is loose. This is in contravention of Section 14(a)(iii) of the Minimum Housing and Health Standards which states that *“every housing premises shall be provided with a food preparation area which includes a counter or table used for food preparation which shall be of sound construction and furnished with surfaces that are easily cleaned.”*
- d. There is no smoke detector/alarm located in the hall serving the bedrooms. This is in contravention of Section 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 area; the smoke alarm shall be installed within the hallway.”*
- e. The main floor bathtub surround is not properly sealed to the wall as it is loose along the edge. This is in contravention of Section 5(a) of the Minimum Housing and Health Standards which states that *“rooms containing a flush toilet and/or 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.”*
- f. There are no window screens in an upstairs and in the downstairs bedrooms. This is in contravention of Section 2(b)(iii) of the Minimum Housing and Health Standards which states that *“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.”*
- g. The master bedroom window does not exit the house directly as it enters the rear addition and it is obstructed by the addition ceiling preventing it from fully opening. This is in contravention of Section 3(b)(i) of the Minimum Housing and Health Standards which states that *“for buildings of 3 storeys or less and except where a bedroom door provides access directly to the exterior of 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.”*
- h. The handrail to the basement is not properly secured to the wall and was loose. This is in contravention of Section 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.”*

- i. One of the basement bedroom windows is obstructed with a grate and the other basement bedroom window opens directly under the addition which hinders emergency egress. This is in contravention of Section 3(b)(iii) of the Minimum Housing and Health Standards which states that *“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 inside without the use of any tools or special knowledge.”*
- j. The basement bedroom windows do not meet the minimum size requirements for emergency egress as they measured ~16 3/4 inch by 16 inch. This is in contravention of Section 3(b)(ii) of the Minimum Housing and Health Standards which states that *“windows referred to in section 3(b)(i) shall provide unobstructed openings with areas not less than 0.35m² (3.8ft²), with no dimension less than 380 mm (15 inch).”*
- k. The basement toilet did not flush properly and appeared to be leaking. This is in contravention of Section 3(2) of the Housing Regulation which states that *“an owner shall ensure that the housing premises’ plumbing system and facilities provide under subsection (1)(b) are free from defects and maintained in a clean and sanitary condition.”*
- l. Water was reported infiltrating from the south basement window (excess standing water exists outside window), laundry room and northwest bedroom. This is in contravention of Section 1(b) of the Minimum Housing and Health Standards which states that *“basements, cellars or crawl spaces shall be structurally sound, maintained in good repair and free from water infiltration and accumulation.”*
- m. Elevated moisture levels were detected in the water stained flooring of the northwest basement bedroom as indicated by utilizing a moisture meter. The room had a very strong musty odor indicative of the potential presence of mold. This is in contravention of Section 2(1) of the Nuisance and General Sanitation Regulation which states that *“no person shall create, commit or maintain a nuisance.”*
- n. The roof of the rear addition was reported to leak and there was elevated moisture detected in the flooring as indicated by utilizing a moisture meter. This is in contravention of Section 2(a) of the Minimum Housing and Health Standards which states that *“the roof and exterior doors shall be; maintained in good repair, free of cracks and weatherproof.”*

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 July 1, 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. Ensure that all outlets, switches and fixtures are properly installed and are maintained in a good and safe working condition.
 - b. Ensure that all electrical outlets have their covers installed.
 - c. Ensure that the counter is properly secured to the cupboard.
 - d. Install a smoke detector in the hall that serves the bedrooms.
 - e. Ensure that the tub surround is properly caulked to the wall such as to form a water tight seal.
 - f. Install window screens where missing.
 - g. The master bedroom window is required to fully open directly to the exterior of the housing premises.

- h. Ensure that the handrail is properly secured to the wall.
 - i. Discontinue the use of the basement rooms as bedrooms due to lack of emergency egress.
 - j. Discontinue the use of the basement rooms as bedrooms due to lack of emergency egress until such time the windows meet emergency egress requirements.
 - k. Ensure that the basement toilet operates properly.
 - l. Determine source of water infiltration into the south basement window; remove all water damaged building materials and implement repair/corrective actions. Replace building materials following successful repairs/corrective action.
 - m. Building materials that have been damaged or show evidence of rot or other deterioration is to be repaired or replaced.
 - n. Arrange for the inspection of the rear addition to the housing premises by a Safety Codes Officer (building discipline) or a professional structural engineer to ensure that the addition is built to code. Repair the roof such that it doesn't leak.
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 St. Albert, Alberta, June 15, 2022

Confirmation of a verbal order issued to the occupants on June 14, 2022.

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 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>

St. Albert • St. Albert Public Health Centre • Environmental Public Health

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<https://www.ahs.ca/eph>