

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

To: Wai Ling Yung
"the Owner"

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

RE: Those housing premises located in Edmonton, Alberta and municipally described as:

9429 156 Street NW Edmonton, Alberta T5R 1Z5

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 was a significant amount of sewage present along the floor in the basement. Visible sewage and toilet paper was observed within this space as well as a strong odor of sewage.
- b. The Northeast bedroom window was not large enough to meet emergency egress requirements (the openable area of the window was less than 3.8 feet squared).
- c. Two of the external windows of the home were not capable of being closed, locked, and secured.
- d. The furnace was not in proper operating condition at the time of inspection.
- e. The smoke alarm was not in operating condition at the time of inspection.
- f. There was visible mold growth present along the wall in the shower (specifically where the tiles previously installed in the shower surround had fallen off).
- g. The handrail to the front entrance of the home was loose/not secured.
- h. A number of the light switch plate covers and electrical outlet covers were cracked and broken.
- i. The mechanical ventilation fan in the washroom was not maintained in proper operating condition.
- j. A number of the finishes throughout the home were damaged, including: the kitchen floor tiles, the bathroom floor tiles, the tiles in the shower surround, and the walls throughout the home.
- k. The kitchen counter was cracked and chipped in a number of places.
- l. A number of the building materials within the home were damaged, including: one of the wooden boards at the front step of the home (which had rotted), the frames around the living room windows (which had rotted), the door to the Northeast bedroom (which was cracked and broken), the door to the South bedroom, and the front porch to the home (which was held up by a stack of cinder blocks).
- m. Two of the living room windows were cracked and broken.

- n. A section of the exterior cladding of the home had fallen off.

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 was a significant amount of sewage present along the floor in the basement. Visible sewage and toilet paper was observed within this space as well as a strong odor of sewage. This is in contravention of Section 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.”*
- b. The Northeast bedroom window was not large enough to meet emergency egress requirements (the openable area of the window was less than 3.8 feet squared). This is in contravention of Section 3(b) of the Minimum Housing and Health Standards, which states that *“Emergency Egress (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. (iv) Notwithstanding section 3(b)(i), (ii) and (iii), alternate provisions for emergency egress may be approved by an executive officer where, after consultation with a safety codes officer, the executive officer is satisfied that the alternate provisions provide for means of emergency egress.”*
- c. Two of the external windows of the home were not capable of being closed, locked, and secured. This is in contravention of Section 3(a) of the Minimum Housing and Health Standards, which states that *“Exterior windows and doors shall be capable of being secured.”*
- d. The furnace was not in proper operating condition at the time of inspection. This is in contravention of Section 8(a) of the Minimum Housing and Health Standards, which states that *“(a) 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, and toilet rooms within the building to a temperature of ; (i) at least 220C(710F), or (i) maintained at a temperature of at least 220C(710F) when the control of the supplied heat in a dwelling is the responsibility of a person other than the occupant.”*
- e. The smoke alarm was not in operating condition at the time of inspection. 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 areas; the smoke alarms shall be installed within the hallway. (a) Smoke alarms shall be operational and in good repair at all times.”*
- f. There was visible mold growth present along the wall in the shower (specifically where the tiles previously installed in the shower surround had fallen off). This is in contravention of Section 5(2) of the Alberta Housing Regulation (AR 173/99), 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.”

- g. The handrail to the front entrance of the home was loose/not secured. 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.”*
- h. A number of the light switch plate covers and electrical outlet covers were cracked and broken. 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.”*
- i. The mechanical ventilation fan in the washroom was not maintained in proper operating condition. 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.”*
- j. A number of the finishes throughout the home were damaged, including: the kitchen floor tiles, the bathroom floor tiles, the tiles in the shower surround, and the walls throughout the home. This is in contravention of Section 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. (a) 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. (b) Rooms and sections of rooms that are used for food preparation and cooking shall have walls and floors constructed of materials which do not provide harbourage to dirt, grease, vermin and bacteria and that are easily kept clean.”*
- k. The kitchen counter was cracked and chipped in a number of places. This is in contravention of Section 14(a)(iii) of the Minimum Housing and Health Standards, which states that *“a counter or table used for food preparation which shall be of sound construction and furnished with surfaces that are easily cleaned;”*
- l. A number of the building materials within the home were damaged, including: one of the wooden boards at the front step of the home (which had rotted), the frames around the living room windows (which had rotted), the door to the Northeast bedroom (which was cracked and broken), the door to the South bedroom, and the front porch to the home (which was held up by a stack of cinder blocks). This is in contravention of Section 1(c) of the Minimum Housing and Health Standards, which states that *“Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.”*
- m. Two of the living room windows were cracked and broken. This is in contravention of Section 2(b)(i) of the Minimum Housing and Health Standards, which states that *“All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof.”*
- n. A section of the exterior cladding of the home had fallen off. This is in contravention of Section 2(a) of the Minimum Housing and Health Standards, which states that *“The roof and exterior cladding of walls shall be maintained in a waterproof, windproof and weatherproof condition.”*

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 April 28, 2023.
2. That the Owner immediately undertake and pursue the completion of the following work in and about the above noted premises, namely:
 - a. Clean the sewage from the basement and repair any damages to the sewage disposal system that prevent it from functioning in a properly operating condition.
 - b. Replace the Northeast bedroom window to ensure the sleeping space possesses a window with an openable area of at least 3.8 feet squared (with no dimension less than 15 inches). Furthermore, the window must be capable of being locked and secured.
 - c. Repair the external windows to ensure they are capable of being properly closed. Repair/replace the locking mechanism for the windows to ensure the external windows are capable of being secured.
 - d. Repair the furnace system within the home to ensure it is capable of maintaining a temperature of at least 22 degrees Celsius.
 - e. Remove the mold from the wall in the washroom. Replace the missing shower tiles to prevent future growth and to ensure all the bathroom surfaces are smooth/easy to clean.
 - f. Replace the smoke alarm. Ensure it is maintained in proper, operating condition at all times.
 - g. Replace the damaged handrail at the front of the home.
 - h. Repair the mechanical ventilation fan in the washroom and replace the damaged electrical outlet/light switch plate covers.
 - i. Repair the damaged finishes in the home, including: the kitchen floor tiles, the bathroom floor tiles, the tiles in the shower surround, and the walls throughout the home.
 - j. Repair the damaged kitchen counter to ensure it is maintained in a condition that is: smooth, impervious to moisture, and easy to clean.
 - k. Repair/replace the damaged building materials, including: the wooden board at the front step of the home (which had rotted), the frames around the living room windows (which had rotted), the door to the Northeast bedroom (which was cracked and broken), the door to the South bedroom, and the front porch to the home (which was held up by a stack of cinder blocks).
 - l. Replace the cracked and damaged living room windows.
 - m. Replace the missing sections of the exterior cladding.
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 30, 2023.

Confirmation of a verbal order to vacate issued to Douglas Hunter (the primary tenant) on March 30, 2023.

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 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>

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www.albertahealthservices.ca/eph.asp