

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

To: Avenue Living Communities Ltd.
"the Owner"

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

RE: Those housing premises located in Brooks, Alberta and municipally described as:
1027 3rd Avenue East, Unit 303

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 extensive black substance which appears to be mould on ceilings and walls throughout the apartment. The appearance of mould is noted in the wall and ceiling joints, on the walls around windows, and in patterns along ceiling rafters and wall studs. It is found in areas of the bathroom, hallway, bedrooms, living room and kitchen. It is observed under the kitchen cabinet and on the wall behind the kitchen cabinet. The black substance covers approximately 80% of one bedroom ceiling and approximately 25% of the living room ceiling and walls. There is also a strip of ceiling in the kitchen that is yellow compared to the rest of the white ceiling, which may indicate a path of travel for water infiltration. The apartment has a musty, mouldy odour.
- b. Vinyl windows and vinyl blinds contain the appearance of black mould.
- c. Significant portions of walls and ceilings are deteriorating and contain the appearance of mould in the pattern of the ceiling rafters, in ceiling and wall joints, on walls in the pattern of studs and around windows including window trim. Baseboard behind the toilet is water damaged and wall behind kitchen sink cabinet contains the appearance of mould.
- d. Kitchen cabinet fronts are sticky and grimy with grease. Range hood is laden with grease. Cabinet under sink is deteriorated. The inside finishes of cabinets expose rough particle board and are not cleanable.
- e. Kitchen counter next to stove is burn damaged.
- f. Kitchen sink tap is leaking continuously.

- g. The apartment unit does not appear structurally sound and free from water infiltration due to the appearance of mould following the pattern of ceiling and wall joints, ceiling rafters and wall studs.
- h. Bathroom sink is not draining.
- i. Bathroom cabinet is water damaged.
- j. Bathroom counter is water damaged.

AND WHEREAS such inspection disclosed that the following breaches of the Public Health Act and the Nuisance and General Sanitation Regulation, Alberta Regulation 243/2003 exist in and about the above noted premises, namely:

- a. There is extensive black substance which appears to be mould on ceilings and walls throughout the apartment. The appearance of mould is noted in the wall and ceiling joints, on the walls around windows, and in patterns along ceiling rafters and wall studs. It is found in areas of the bathroom, hallway, bedrooms, living room and kitchen. It is observed under the kitchen cabinet and on the wall behind the kitchen cabinet. The black substance covers approximately 80% of one bedroom ceiling and approximately 25% of the living room ceiling and walls. There is also a strip of ceiling in the kitchen that is yellow compared to the rest of the white ceiling, which may indicate a path of travel for water infiltration. The apartment has a musty, mouldy odour. This contravenes section 2(1) and 2(2)(a) of the Nuisance and General Sanitation Regulation AR243/2003 which states that: No person shall create, commit or maintain a nuisance. Without limiting the generality of subsection (1), a person who creates, commits or maintains any premises in a condition that is or might become injurious or dangerous to the public health or that might hinder in any manner the prevention or suppression of disease is deemed to have created, committed or maintained a nuisance.
- b. Vinyl windows and vinyl blinds contain the appearance of black mould. This contravenes section 2(1) and 2(2)(a) of the Nuisance and General Sanitation Regulation AR243/2003 which states that: No person shall create, commit or maintain a nuisance. Without limiting the generality of subsection (1), a person who creates, commits or maintains any premises in a condition that is or might become injurious or dangerous to the public health or that might hinder in any manner the prevention or suppression of disease is deemed to have created, committed or maintained a nuisance.

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:

- c. Significant portions of walls and ceilings are deteriorating and contain the appearance of mould in the pattern of the ceiling rafters, in ceiling and wall joints, on walls in the pattern of studs and around windows including window trim. Baseboard behind the toilet is water damaged and wall behind kitchen sink cabinet contains the appearance of mould. This contravenes section 5 and 5(a) 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. 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.

- d. Kitchen cabinet fronts are sticky and grimy with grease. Range hood is laden with grease. Cabinet under sink is deteriorated. The inside finishes of cabinets expose rough particle board and are not cleanable. This contravenes section IV(14)(a)(ii) and (iv) of the Minimum Housing and Health Standards which states that: Every housing premises shall be provided with a food preparation area, which includes: cupboards or other facilities suitable for the storage of food and a stove and a refrigerator that are maintained in a safe and proper operating condition.
- e. Kitchen counter next to stove is burn damaged. This contravenes section IV(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.
- f. Kitchen sink tap is leaking continuously. This contravenes section IV(6)(a) and (c) of the Minimum Housing and Health Standards which states that: The plumbing system shall be maintained in a proper operating condition and all plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.
- g. The apartment unit does not appear structurally sound and free from water infiltration due to the appearance of mould following the pattern of ceiling and wall joints, ceiling rafters and wall studs. This contravenes section III(1)(a) of the Minimum Housing and Health Standards which states that: The housing premises shall be structurally sound.
- h. Bathroom sink is not draining. This contravenes section IV(6)(a) and (c) of the Minimum Housing and Health Standards which states that: The plumbing system shall be maintained in proper operating condition and all plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.
- i. Bathroom cabinet is water damaged. This contravenes section III(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.
- j. Bathroom counter is water damaged. This contravenes section III(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.

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 26, 2024.

2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Contract professional remediation services to oversee mould remediation and to prevent contaminating other areas of the apartment building.
 - b. Clean and sanitize windows and blinds.
 - c. Cut out and replace portions of walls containing mould including the window trim, bathroom ceiling, the corner of the hallway ceiling, bedroom and living room walls and ceilings and the wall behind the kitchen sink. Clean and sanitize the remaining walls from mould spores and repaint all walls. Replace water damaged baseboards in the bathroom.
 - d. Replace kitchen cabinet shelves and base of sink cabinet and remove grime from cabinet fronts or replace kitchen cabinets entirely. Thoroughly clean or replace range hood.
 - e. Replace kitchen counter next to stove.
 - f. Repair kitchen sink tap.
 - g. Structural issues must be investigated and addressed that allow conditions of mould growth. Address water infiltration issues and remove and replace all water damaged structural components of the apartment unit and building.
 - h. Unclog bathroom sink drain and maintain plumbing.
 - i. Replace bathroom cabinet.
 - j. Replace bathroom counter.

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 Brooks, Alberta, April 25, 2024.

Confirmation of a verbal order issued to Mike Labadie on April 24, 2024.

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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Environmental Public Health – South Zone

440 3rd Street East, Brooks, AB T1R 1B3

www.ahs.ca/eph