

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

To: *Tyson Halmrast* – Registered Owner
“the Owner”

Rent Better Property Management - Landlord

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

RE: Those housing premises located in Medicine Hat, Alberta and municipally described as:
333 – 10 Street SW (BASEMENT SUITE ONLY); [Legal Description: Plan 2177M;
Block 24; Lots 9 and 10]

WHEREAS I, an **Executive Officer** of **Alberta Health Services**, have inspected the above 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 toilet is not properly/firmly anchored to the floor.
- b. The first bedroom does not meet egress requirements; the vertical slider window measures 11.5” x 27.5” in its fully opened position.
- c. The kitchen window is cracked.
- d. The second bedroom does not meet egress requirements as a result of both small window sizes and external window well obstruction. The vertical slider window measures 11.5” x 27.5” in its fully opened position. The combination vertical/horizontal slider window measures 11.5” x 12.5” in its fully opened position.
- e. The kitchen window screen is torn.
- f. The window in the first bedroom is cracked.
- g. A section of the handrail leading to the basement is detached from the wall.
- h. The smoke alarm is not provided with a battery.
- i. The access door to the basement suite is not provided with a key.

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 toilet is not properly/firmly anchored to the floor which is in contravention of section **IV 6 (a) & (c)** of the *Minimum Housing and Health Standards* which states that: “The plumbing system and the sanitary drainage system... shall be maintained in a proper operating condition. All plumbing fixtures shall be serviceable, free of from leaks, trapped and vented to the outside.”

- b. The first bedroom does not meet egress requirements; the vertical slider window measures 11.5" x 27.5" in its fully opened position which is in contravention of section III 3 (b) 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 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. (i) Windows referred to above shall provide unobstructed openings with areas not less than 0.35 m² (3.8 ft²), with no dimension less than 380 mm (15")."
- c. The kitchen window is cracked which is in contravention of section III 2 (b) (i) & (ii) 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. 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."
- d. The second bedroom does not meet egress requirements as a result of both small window sizes and external window well obstruction. The vertical slider window measures 11.5" x 27.5" in its fully opened position. The combination vertical/horizontal slider window measures 11.5" x 12.5" in its fully opened position which is in contravention of section III 3 (b) 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 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. (i) Windows referred to above shall provide unobstructed openings with areas not less than 0.35 m² (3.8 ft²), with no dimension less than 380 mm (15")."
- e. The kitchen window screen is torn which is in contravention of section III 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."
- f. The window in the first bedroom is cracked which is in contravention of section III 2 (b) (i) & (ii) 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. 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."
- g. A section of the handrail leading to the basement is detached from the wall which is in contravention of section III 3 (c) of the *Minimum Housing and Health Standards* which states that: "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."
- h. The smoke alarm is not provided with a battery which 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."
- i. The access door to the basement suite is not provided with a key which is in contravention

of section III 3 (a) of the *Minimum Housing and Health Standards* which states that: “Exterior windows and doors shall be capable of being secured.”

AND WHEREAS, by virtue of the foregoing, the above noted premises is hereby declared to be **Closed for Tenant Accommodation Purposes**.

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

1. That the occupant(s) vacate the above noted premises on or before November 28, 2019.
2. That the owner(s) immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Repair the toilet.
 - b. Replace bedroom windows with ones that afford egress, also considering any necessary corrections pertaining to obstructive window wells.
 - c. Replace all cracked windows, and with ones that protect against cold weather.
 - d. Install a new screen for the kitchen window.
 - e. Repair the handrail.
 - f. Install a battery for the smoke alarm, and ensure it is fully functional.
 - g. Provide key(s) for the basement suite access door.
3. That until such time as the work referred to in paragraph 2 is completed to the satisfaction of the undersigned, or an Executive Officer of *Alberta Health Services*, the above noted premises shall remain vacant, secured from unauthorized entry, and **closed for tenant accommodation**.

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 Medicine Hat, Alberta, October 29, 2019

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.

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Copies of standards are available by contacting the Health Protection Branch of Alberta Health at 780-427-4518 or by visiting: www.health.alberta.ca/about/health-legislation.html

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