

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

**To:** Richard Bellingham  
"the Owner"

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

**RE:** Those housing premises located in Lethbridge, Alberta and municipally described as:  
341 - 20 Street N

**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. Main structural beams in the basement are being held up by a 4x4 balanced on a hydraulic floor jack.
- b. There was no smoke alarm in the home.
- c. There were holes in the walls throughout the house.
- d. There were holes in the kitchen flooring.
- e. The front bedroom window was missing glass and only a portion of it was covered with plywood.
- f. Bedroom doors were in disrepair.
- g. The bathroom window was broken.
- h. The tub surround was in disrepair. It was cracked all over and taped back together. It had also separated from both the tub and the wall.
- i. There was no ventilation for the bathroom.
- j. There was substantial mould/mildew growth on the ceiling in the bathroom.
- k. Light fixtures were not installed properly; electrical outlets were missing covers.
- l. The carpet was severely soiled, past the point of cleaning.

- m. There was a large opening in the floor of the laundry room which contained the stairs to the dirt floor basement. There was no safety measure in place to prevent an accidental fall.
- n. Used needles and other drug paraphernalia were scattered throughout the house and the yard.

**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. Main structural beams in the basement are being held up by a 4x4 balanced on a hydraulic floor jack which is in contravention of section 3(1)(a)(i) of the Housing Regulation which states that: an owner shall ensure that the housing premises are structurally sound.
- b. There was no smoke alarm in the home 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.
- c. There were holes in the walls throughout the house which is in contravention of section III(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.
- d. There were holes in the kitchen flooring which is in contravention of section III(5)(b) of the Minimum Housing and Health Standards which states that: 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.
- e. The front bedroom window was missing glass and only a portion of it was covered with plywood which is in contravention of section III(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.

AND

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

- f. Bedroom doors were in disrepair which is in contravention of section 3(1)(a)(iii) of the Housing Regulation which states that: an owner shall ensure that the housing premises are in good repair.
- g. The bathroom window was broken which is in contravention of section III(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.
- h. The tub surround was in disrepair. It was cracked all over and taped back together. It had also separated from both the tub and the wall which is in contravention of section III(5)(a) of the Minimum Housing and Health Standards which states that: 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.

- i. There was no ventilation for the bathroom which is in contravention of section IV(7)(c) of the Minimum Housing and Health Standards which states that: All rooms containing a flush toilet and/or bathtub or shower shall be provided with natural or mechanical ventilation.
- j. There was substantial mould/mildew growth on the ceiling in the bathroom which is in contravention of section 5(2) of the Housing Regulation 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.
- k. Light fixtures were not installed properly; electrical outlets are missing covers which is in contravention of section IV(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.
- l. The carpet was severely soiled, past the point of cleaning which is in contravention of section III(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.
- m. There was a large opening in the floor of the laundry room which contained the stairs to the dirt floor basement. There was no safety measure in place to prevent an accidental fall which is in contravention of section 5(2) of the Housing Regulation 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.
- n. Used needles and other drug paraphernalia were scattered throughout the house and the yard which is in contravention of section 5(2) of the Housing Regulation 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.

**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 September 9, 2020.
2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:

- a. Have a Structural Engineer in to assess the safety and structural integrity of basement and foundation. Ensure a copy of the Engineers report is submitted to this office.
  - b. Install a smoke alarm and ensure that it is operational at all times.
  - c. Repair all holes in the walls.
  - d. Repair/replace kitchen flooring.
  - e. Repair the front bedroom window. Ensure all bedroom windows comply with emergency egress requirements.
  - f. Repair the bedroom doors.
  - g. Replace the bathroom window.
  - h. Replace the tub surround. Ensure it is in good repair and forms a watertight seal with the wall and the tub.
  - i. Ensure there is ventilation for the bathroom.
  - j. Clean and repair (as needed) the bathroom ceiling. Ensure any water damaged or mouldy building materials are removed and replaced.
  - k. Ensure all light fixtures are properly installed and are in good working condition.
  - l. Ensure all outlets have covers.
  - m. Remove and/or replace the carpet.
  - n. Install a railing and/or ensure there are safety measures in place for the opening to the basement.
  - o. Remove all drug paraphernalia from the site. Ensure house and yard are cleaned and in a safe condition.
3. Board up and secure the premises, including the garage/shed from all unwanted entry.
  4. 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 Lethbridge, Alberta, September 17, 2020.

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](mailto:HealthAppealBoard@gov.ab.ca)  
Website: <http://www.health.alberta.ca/about/PHAB.html>

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](http://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](http://www.health.alberta.ca/about/health-legislation.html)

Copy City of Lethbridge

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Environmental Public Health – South Zone

801 1 Avenue S Lethbridge, AB T1J 4L5

[www.albertahealthservices.ca/eph.asp](http://www.albertahealthservices.ca/eph.asp)