

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

To: Hui Nicholas Chun Kee
“the Owner”

And To: Muhammad Elahi
“the Property Manager”

And To: Andrew Chen
“the Property Manager”

And To: All Occupant(s) of the following Housing premises: 208 Temple Close NE- upper northwest bedroom, upper west bedroom, north basement bedroom, west basement bedroom, northeast basement bedroom, and east basement bedroom

RE: Those housing premises located in Calgary, Alberta and municipally described as: 208 Temple Close NE

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. The upper northwest bedroom (located beside the kitchen) had no openable window, and the room was being used for sleeping purposes.
- b. The upper west bedroom (located beside a guard rail / stair way to the upper floor), had no openable window, and the room was being used for sleeping purposes.
- c. The north basement bedroom (directly to the left of the stairs) had no window, and the room was being used for sleeping purposes.
- d. The west basement bedroom (facing the front yard) had unacceptable security bars installed thus preventing effective emergency egress. The room was being used for sleeping purposes.
- e. The northeast basement bedroom (room with a door to the garage) had a window that was too small for emergency egress as it measured only 12 inches high and 35 inches wide. The window was also blocked by a stove and by a horizontal bar installed across the window. This room was being used for sleeping purposes.
- f. The east basement bedroom (located across from the basement kitchen), had unacceptable security bars installed, and half of the window was obstructed by a sheet of drywall.

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 upper northwest bedroom (located beside the kitchen) had no openable window, and the room was being used for sleeping purposes. This is a contravention of section III(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 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.
- b. The upper west bedroom (located beside a guard rail / stair way to the upper floor), had no openable window, and the room was being used for sleeping purposes. This is a contravention of section III(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 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.
- c. The north basement bedroom (directly to the left of the stairs) had no window, and the room was being used for sleeping purposes. This is a contravention of section III(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 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.
- d. The west basement bedroom (facing the front yard) had unacceptable security bars installed thus preventing effective emergency egress. The room was being used for sleeping purposes. This is a contravention of section III(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 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. This is also a contravention of section III(3)(b)(iii) of the Minimum Housing and Health Standards which states that: If the window referred III(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.
- e. The northeast basement bedroom (room with a door to the garage) had a window that was too small for emergency egress as it measured only 12 inches high and 35 inches wide. The window was also blocked by a stove and by a horizontal rod installed across the window. This room was being used for sleeping purposes. This is a contravention of section III(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 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. This is also a contravention of section III(3)(b)(ii) of the Minimum Housing

and Health Standards which states that: Windows referred to in section III(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”). It is also a contravention of section III(3)(b)(iii) of the Minimum Housing and Health Standards which states that: If the window referred III(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.

- f. The east basement bedroom (located across from the basement kitchen), had unacceptable security bars installed, and half of the window was obstructed by a sheet of drywall. This is a contravention of section III(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 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. This is also a contravention of Section III(3)(b)(iii) of the Minimum Housing and Health Standards which states that: If the window referred III(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.

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 December 5, 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 all rooms intended for use as bedrooms have an appropriate egress window that meets the requirements of section 3B of the Minimum Housing and Health Standards.
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 Calgary, Alberta, October 31, 2022

Confirmation of a verbal order issued to Andrew Chen via voicemail on October 28, 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 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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Copy City of Calgary

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