

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

To: Katherine Kemp and Carl Kemp
"the Owners"

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

RE: Those housing premises located in Turner Valley, Alberta and municipally described as:
223 Royal Avenue

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 furnace was not functional at the time of inspection.
- b. Heat was being supplied by a space heater in the bathroom and a wood-fire stove in the living room.
- c. The temperature in the kitchen, living room, and west bedroom measured between 11.4°C and 14°C.
- d. No functional smoke alarm was installed.
- e. The sliding windows in the south bedroom, west bedroom and kitchen had ice build-up, and windows were made of single-pane glass.
- f. The sliding windows in the south and west bedrooms had an openable area under 3.8 square feet.
- g. The windows in the bathroom were equipped with a storm sash, which made it unopenable from inside. No mechanical ventilation was present.
- h. The flooring in the bathroom under the bathtub was made of wooden planks.
- i. Gaps were present between the wall panels and wall-ceiling trim in the bathroom. Holes were present in the ceiling in the bathroom.
- j. There was a hole in the bathroom door.
- k. The electrical outlet beside the washing machine in the bathroom was missing an electrical outlet cover.

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 furnace was not functional at the time of inspection. This is a contravention of Section IV (8)(d) of the Minimum Housing and Health Standards which states that: Every owner must ensure a continuous supply of electricity, water and heat unless the rental agreement stipulates that such services are the sole responsibility of the occupant.
- b. Heat was being supplied by a space heater in the bathroom and a wood-fire stove in the living room. This is a contravention of Section IV (8)(c) of the Minimum Housing and Health Standards which states that: Cooking appliances and portable space heaters shall not be used as the primary source for the required heat to a habitable room.
- c. The temperature in the kitchen, living room, and west bedroom measured between 11.4°C and 14°C. This is a contravention of Section IV (8)(a)(i) of the Minimum Housing and Health Standards which states that: 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 at least 22°C (71°F).
- d. No functional smoke alarm was installed. This is a 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.
- e. The sliding windows in the south bedroom, west bedroom and kitchen had ice build-up, and windows were made of single-pane glass. This is a contravention of Section III (2)(b)(ii) of the Minimum Housing and Health Standards which states that: In a 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.
- f. The sliding windows in the south and west bedrooms had an openable area under 3.8 square feet. This is a contravention of Section III (3)(b)(ii) of the Minimum Housing and Health Standards which states that: Windows referred to in section 3 (b)(i) shall provide unobstructed openings with areas not less than 0.35m² (3.8ft²), with no dimension less than 380mm (15”).
- g. The windows in the bathroom were equipped with a storm sash, which made it unopenable from inside. No mechanical ventilation was present. This is a 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.
- h. The flooring in the bathroom under the bathtub was made of wooden planks. This is a contravention of Section III (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 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. Gaps were present between the wall panels and wall-ceiling trim in the bathroom. Holes were present in the ceiling in the bathroom. This is a contravention of Section III (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 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.

- j. There was a hole in the bathroom door. This is a contravention of Section III (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 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.
- k. The electrical outlet beside the washing machine in the bathroom was missing an electrical outlet cover. This is a 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.

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 19 January, 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. Install a functional smoke alarm between the adjoining bedrooms.
 - b. Have a qualified professional assess the furnace prior to turning it on, and complete all necessary repairs required to have the furnace function in a safe manner.
 - c. Ensure that the furnace is functional so that the bathroom and all habitable rooms are capable of safely and adequately maintaining 22°C.
 - d. Replace windows in the west and south bedrooms so that it adequately protects against cold weather in the winter months, and meets egress requirements.
 - e. Replace the sliding window in the kitchen with a window that adequately protects against cold weather in the winter months.
 - f. Repair the floor, walls, and ceiling in the bathroom so that it is finished in a manner to make them water-tight, non-absorbent, and easy to clean.
 - g. Ensure the bathroom has mechanical or natural ventilation.
 - h. Repair or replace the bathroom door.
 - i. Install missing electrical outlet covers.
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 Okotoks, Alberta, January 13, 2022.

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 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.

Health Legislation and regulations are available for purchase. Please contact Alberta Queen's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or www.qp.gov.ab.ca.

Copies of standards are available by contacting the Health Protection Branch of Alberta Health at 780-427-4518 or by visiting: <https://www.alberta.ca/health-standards-and-guidelines.aspx>

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AIRDRIE Regional Health Centre

604 Main Street South
Airdrie, AB T4B 3K7
Phone: 403-912-8400
Fax: 403-912-8410

BANFF Health Unit

303 Lynx Street
PO Box 1266
Banff, AB T1L 1B3
Phone: 403-762-2990
Fax: 403-762-5570

CALGARY - Southport Atrium

10101 Southport Road SW
Calgary, AB T2W 3N2
Phone: 403-943-2288
Fax: 403-943-8056

CANMORE Public Health

#104, 800 Railway Avenue
Canmore, AB T1W 1P1
Phone: 403-678-5656
Fax: 403-678-5068

CLARESHOLM Health Unit

5221 2nd Street W
PO Box 1391
Claresholm, AB T0L 0T0
Phone: 403 625-4061
Fax: 403-625-4062

COCHRANE Community Health Centre

60 Grande Boulevard
Cochrane, AB T4C 0S4
Phone: 403-851-6000
Fax: 403-851-6009

OKOTOKS Health and Wellness Centre

11 Cimarron Common
Okotoks, AB T1S 2E9
Phone: 403-995-2600
Fax: 403-995-2639

STRATHMORE Public Health Office

650 Westchester Road
Strathmore, AB T1P 1H8
Phone: 403-361-7200
Fax: 403-361-7244

www.albertahealthservices.ca/eph.asp