

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

To: Mohmmad W Azarakhsh
"the Owner"

Yalda Azarakhsh
"the Owner"

Waqar Azarakhsh (the property manager)
"the Owner"

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

RE: Those housing premises located in Wheatland County, Alberta and municipally described as:

242003 Range Road 243
Wheatland County, Alberta

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 are outlet and switch covers missing in the basement area.
- b. There are broken/cracked tiles located in the basement at the bottom of the stairs.
- c. There is mould on the back of the drywall, located on the backside of the basement shower.
- d. There was a sewer backup in the basement, where the disinfection and reclamation has not been confirmed through submitted documentation.
- e. There is a missing p-trap on the upper tub wastewater pipe.
- f. The bedroom windows located in the basement do not meet the unobstructed egress requirement and both have an unobstructed dimension of 12.5 inches by 27.5 inches in diameter.
- g. The North/West bedroom, located on the main floor did not meet the minimum unobstructed egress requirement and had a unobstructed dimension of 12.5 inches by 27.5 inches in diameter and a design of a casement awing style outer window.
- h. There is a handrail missing on the stairwell leading to the basement.
- i. There were no smoke alarms available in the basement to service the basement bedrooms.

- j. The smoke alarm for the upstairs bedroom was located in the living room, which is not located in the hallway to service the bedrooms.
- k. The well head, supplying water to the rental property, was located in a pit.

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 and the Nuisance and General Sanitation Regulation, Alberta Regulation 243/2003 exist in and about the above noted premises, namely:

- a. There are outlet and switch covers missing in the basement area. This is in contravention of section IV(11) of the Minimum Housing and Health Standards which states: "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."
- b. There are broken/cracked tiles located in the basement at the bottom of the stairs. This is in contravention of section III(5) of the Minimum Housing and Health Standards which states: "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."
- c. There is mould on the back of the drywall, located on the backside of the basement shower. This is in contravention of Section 5 of the Minimum Housing and Health Standards which states: "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 was a sewer backup in the basement, where the disinfection and reclamation has not been confirmed through submitted documentation. This is in contravention of Section 5(2) of the Alberta Housing Regulation, Alberta Regulation 173/99 which states: "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."
- e. There is a missing p-trap on the upper tub wastewater pipe. This is in contravention of Section 2 of the Alberta Housing Regulation, Alberta Regulation 173/99 which states: "An owner shall ensure that the housing premises' plumbing system and facilities provided under subsection (1)(b) are free from defects and maintained in a proper operating condition."
- f. The bedroom windows located in the basement do not meet the unobstructed egress requirement and both have an unobstructed dimension of 12.5 inches by 27.5 inches in diameter. This is in contravention of Section 3(b) of the Minimum Housing and Health Standards which states: "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. Windows referred to in section 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")."
- g. The North/West bedroom, located on the main floor did not meet the minimum unobstructed egress requirement and had a unobstructed dimension of 12.5 inches by 27.5 inches in diameter and a design of a casement awing style outer window. This is in contravention of Section 3(b) of the Minimum Housing and Health Standards which

states: “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. Windows referred to in section 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”).”

- h. There is a handrail missing on the stairwell leading to the basement. This is in contravention of section III(3)(c)(i) of the Minimum Housing and Health Standards which states: “Inside or outside stairs or porches including all treads, risers, supporting structural members, handrails, 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.”
- i. There were no smoke alarms available in the basement to service the basement bedrooms. This is in contravention of section IV(12) of the Minimum Housing and Health Standards which states: “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.”
- j. The smoke alarm for the upstairs bedroom was located in the living room, which is not located in the hallway to service the bedrooms. This is in contravention of section IV(12) of the Minimum Housing and Health Standards which states: “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.”
- k. The well head, supplying water to the rental property, was located in a pit. This is in contravention of the Nuisance and General Sanitation Regulation Section 11, which states: “Where a person provided a source of water that the person intends to be used or realizes or ought to realize will be used by the public for human consumption, the person shall ensure that the water is potable”.

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 January 1, 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. Install outlet, switch covers and cover plates where required.
 - b. Replace and repair the cracked and broken flooring in the basement.
 - c. Remove all mouldy and/or water damaged material in the basement and replace with appropriate materials.
 - d. Provide adequate documentation of the proper disinfection and sanitization of the basement area due to the sewage backup.
 - e. Install a p-trap, and any other plumbing required for the waste water system, that meets the plumbing code.

- f. Install windows, in the basement and main floor bedrooms, that meet the building code requirements for adequate unobstructed egress.
 - g. Install a handrail for the basement staircase that meets the Alberta Building Code requirements.
 - h. Install working smoke alarms for the bedrooms located in the basement and main floor bedrooms.
 - i. Implement one of the following options to render the water supply potable:
 - Install an approved water treatment system capable of treating groundwater under the direct influence of surface water and install a flood proof cap, and sump pump capable of preventing water from accumulating over the well head. Any water treatment systems/devices must be approved by and Executive Officer of Alberta Health Services, prior to installation.
 - or
 - Install a CSA approved cistern of adequate size and haul potable water;
 - or
 - Connect to another potable water supply;
 - or
 - Upgrade the well and pit, to eliminate any contamination, that is approved by an Executive Officer of Alberta Health Services.
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 Strathmore, Alberta, December 4, 2023.

Confirmation of a verbal order issued to Waqar Azarakhsh on December 4, 2023.

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>