

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

To: Russell Federation
"the Owner"

Charles Ryan (Property Manager)
"the Owner"

And To: All Occupant(s) of the following Housing premises: Barn at 578082 184 Street East

RE: Those housing premises located in Foothills County, Alberta and municipally described as: Barn at 578082 184 Street East, NW 13-18-28-W4M

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 were no utilities being supplied to the barn, including electricity, gas, and potable water.
- b. The measured temperature inside the barn was 6C.
- c. The barn did not have access to running potable water.
- d. A kitchen sink was not present in the barn.
- e. A smoke alarm was not installed inside the barn.
- f. The barn did not have access to a flush toilet, wash basins, or any form of bathing facilities.
- g. The barn was not connected to any plumbing fixtures or a sewage disposal system.
- h. The bedroom window was not openable and did not provide direct access to the exterior of the barn for egress.
- i. The bedroom did not have an openable window for natural ventilation, nor a mechanical ventilation system installed.
- j. The exterior doors of the barn could not be properly secured and there was a large opening directly to the outdoors in a wall inside the barn that was only partially patched.
- k. The cement ceiling of the barn was slopping inwards, and was supported by large wooden beams, but there were large cracks running the length of the ceiling throughout the barn thus potentially compromising the structural integrity of the barn.
- l. The flooring inside the barn was made of cement and was neither smooth nor easily cleanable, and the walls in the kitchen and bedroom were made of wooden panels that were neither smooth nor easily cleanable.

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. There were no utilities being supplied to the barn, including electricity, gas, and potable water. This is in contravention of section 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 utility services are the sole responsibility of the occupant.”
- b. The measured temperature inside the barn was 6C. This is in contravention of section 8(a) 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 22C(71F).”
- c. The barn did not have access to running potable water. This is in contravention of Section 9 of the Minimum Housing and Health Standards which states that “Every building used in whole or in part, as housing premises shall be supplied with a potable water supply of sufficient volume, pressure and temperature to serve the needs of the inhabitants.”
- d. A kitchen sink was not present in the barn. This is in contravention of Section 14(a)(i) of the Minimum Housing and Health Standards which states that “Every housing premises shall be provided with a food preparation area, which includes a kitchen sink that is supplied with potable hot and cold water and suitably sized to allow preparation of food, washing utensils and any other cleaning operation.”
- e. A smoke alarm was not installed inside the barn. This is in contravention of Section 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.”
- f. The barn did not have access to a flush toilet, wash basin, or any form of bathing facilities. This is in contravention of Section 7 of the Minimum Housing and Health Standards which states that “Every housing premises shall be provided with plumbing fixtures of an approved type consisting of at least a flush toilet, a wash basin, and a bathtub or shower that shall be serviceable, free from leaks, trapped and vented to the outside”.
- g. The barn was not connected to any plumbing fixtures or a sewage disposal system. This is in contravention of Section 6 of the Minimum Housing and Health Standards which states that “Every housing premises shall be connected to the public sewage system, or to an approved private sewage disposal system. (a) The plumbing system and the sanitary drainage system or private sewage disposal system, as the case may be, including drains, fixtures, traps, vents, stacks, waste disposal facilities, pump out sewage holding tanks, septic tanks and the disposal system shall be maintained in a proper operating condition.”
- h. The bedroom window was not openable and did not provide direct access to the exterior of the barn for egress. This is in contravention of Section 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.”

- i. The bedroom did not have an openable window for natural ventilation, nor a mechanical ventilation system installed. This is in contravention of Section 4(i) of the Minimum Housing and Health Standards which states that “All rooms used for sleeping shall be provided with: (a) an openable window area of 0.28m² (3.0ft²); or (b) mechanical ventilation in conformance with the requirements of the Alberta Building Code.”
- j. The exterior doors of the barn could not be properly secured and there was a large opening directly to the outdoors in a wall inside the barn that was only partially patched. This is in contravention of Section 3(a) of the Minimum Housing and Health Standards which states that “Exterior windows and doors shall be capable of being secured.”
- k. The cement ceiling of the barn was slopping inwards, and was supported by large wooden beams, but there were large cracks running the length of the ceiling throughout the barn thus potentially compromising the structural integrity of the barn. This is in contravention of Section 1(a) of the Minimum Housing and Health Standards which states that “the housing premises shall be structurally sound.”
- l. The flooring inside the barn was made of cement and was neither smooth nor easily cleanable, and the walls in the kitchen and bedroom were made of wooden panels that were neither smooth nor easily cleanable. These are in contravention of Section 5 of the Minimum Housing and Health Standards which state 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” and Section 5(b) of the Minimum Housing and Health Standards which state 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.

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 November 30, 2023.
2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Remove all living quarters constructed inside the barn, OR
 - b. Bring the living quarters within the barn into full compliance with the Housing Regulations and 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 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 Calgary, Alberta, November 10, 2023.

Confirmation of a verbal order issued to Russell Fedoration and Charles Ryan on November 10, 2023.

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 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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