

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

To: **Heritage Nurseries Ltd.
Gerald van Bruggen
Jo-anne van Bruggen
Katy van Bruggen
“the Owner”**

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

RE: Those housing premises located in Sturgeon County, Alberta and municipally described as: 54420 Range Road 252, GPS coordinates 53.69754, -113.59346

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 was no working smoke alarm present in the hallway by the three bedrooms.
- b. The first small bedroom (east bedroom, closest to the living room) had a window with no effective locking mechanism.
- c. Evidence of vermin noted at the time of inspection includes:
 1. Mouse droppings noted in the drawer of the kitchen stove and on top of the microwave
 2. Pinecones noted in the utility room and inside the voids of the dwelling such as below bathroom vanity.
 3. There were holes in the structure that could allow the entry of vermin (mice/rodents/insects).
- d. The finishes were in disrepair in the following areas:
 1. Ceiling in the living room, hallway, kitchen, etc. had holes and /or is in disrepair and not secure (falling from the main structure).
 2. There were several areas (mostly under windows) where the paint appeared to be pulled away from the wall.

3. The newer installed wall in the living room and hallway was not painted or finished to create a smooth and easily cleanable surface.
 4. The kitchen wall was in disrepair under the window.
 5. There were many areas where the baseboards appeared to be primed but not painted or finished to create a smooth and easily cleanable surface.
 6. There were floor tiles in disrepair in the building addition and in the washroom.
- e. Damaged building materials were noted in the following areas:
1. The front and back decks had damaged/rotted components present on the walking surfaces.
 2. Wall beside the window in the washroom was soft and the underlying structure appeared to be missing.
 3. There were a few areas where the underlying floor did not appear to be present underneath the carpet; in the first small bedroom (east bedroom, closest to the living room) and in the master bedroom (large bedroom western end of the unit).
 4. There were building components that were dry and rotted (stiff and brittle) present in the dwelling (ceiling of the porch, wall under the windows, ceiling with holes and insulation coming down).
 5. There were areas by the windows where the paint was pulled away from the underlying wall surface.
- f. The exterior decks were in disrepair in the following areas:
1. The guardrail was in disrepair on the back (north side) deck. There were missing balusters.
 2. The steps on the front deck were rotted/damaged creating a potentially hazardous stepping surface.
- g. The outer cladding of the dwelling was not weatherproof or in good repair in the following areas:
1. The cladding of the addition was in disrepair and insulation could be seen in some of the holes.
 2. There was a hole through the base of the vanity that led to uncapped plumbing pipes, the hole appeared to extend through the floor of the dwelling.
 3. The back door (north facing) had a window present that had a gap between the upper and lower panes of glass.
 4. There was a gap where the upper pane of the back door window did not meet the window frame. There were signs of water infiltration (staining) in several areas of the dwelling (porch, kitchen, living room, hallway, and all three bedrooms).

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 was no working smoke alarm present in the hallway by the three bedrooms. This is in contravention of the Minimum Housing and Health Standard section 12 which states; "Smoke alarms within the dwelling shall be installed between each sleeping are and the remainder of the suite and, where hallways serve the sleeping

areas; the smoke alarm shall be installed within the hallway.”

- b. The first small bedroom (east bedroom, closest to the living room) had a window with no effective locking mechanism.
This is in contravention of the Minimum Housing and Health Standard section 3(a) which states; “Exterior windows and doors shall be capable of being secured.”

- c. Evidence of vermin noted at the time of inspection includes:
1. Mouse droppings noted in the drawer of the kitchen stove and on top of the microwave
 2. Pinecones noted in the utility room and inside the voids of the dwelling such as below bathroom vanity.
 3. There were holes in the structure that could allow the entry of vermin (mice/rodents/insects).

This is in contravention of the Minimum Housing and Health Standard section 16(a) which states; “The owner shall ensure that the housing premises are free of insect and rodent infestations” And section 16(a)(i) which states “All situations requiring the application of pesticides must be applied in accordance with the Environmental Protection and Enhancement Act and regulation;”.

- d. The finishes were in disrepair in the following areas:
1. Ceiling in the living room, hallway, kitchen, etc. had holes and /or is in disrepair and not secure (falling from the main structure).
 2. There were several areas (mostly under windows) where the paint appeared to have pulled away from the wall.
 3. The newer installed wall in the living room and hallway was not painted or finished to create a smooth and easily cleanable surface.
 4. The kitchen wall was in disrepair under the window.
 5. There were many areas where the baseboards appeared to be primed but not painted or finished to create a smooth and easily cleanable surface.
 6. There were floor tiles in disrepair in the building addition and in the washroom.

These are in contravention of the Minimum Housing and Health Standard section 5 which states; “All walls, windows, ceiling, 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.”

- e. Damaged building materials were noted in the following areas:
1. The front and back decks had damaged/rotted components present on the walking surfaces.
 2. Wall beside the window in the washroom was soft and the underlying structure appeared to be missing.
 3. There were a few areas where the underlying floor did not appear to be present underneath the carpet; in the first small bedroom (east bedroom, closest to the living room) and in the master bedroom (large bedroom western end of the dwelling).
 4. There were signs of water infiltration (staining) in several areas of the dwelling (porch, kitchen, living room, hallway, and all three bedrooms).

5. There were building components that were dry and rotted (stiff and brittle) present in the dwelling (ceiling of the porch, wall under the windows, ceiling with holes and insulation coming down).
6. There were areas by the windows where the paint was pulled away from the underlying wall surface.

These are in contravention of the Minimum Housing and Health Standard section 1(c) which states; “Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.”

- f. The exterior decks were in disrepair in the following areas:
 1. The guard-rail was in disrepair on the back (north side) deck. There were missing balusters.
 2. The steps on the front deck were rotted/damaged creating a potentially hazardous stepping surface.

These are in contravention of the Minimum Housing and Health Standard section 3(c)(i) 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.”

- g. The outer cladding of the dwelling was not weatherproof or in good repair in the following areas:
 1. The cladding of the addition was in disrepair and insulation could be seen in some of the holes.
 2. There was a hole through the base of the vanity that led to uncapped plumbing pipes, the hole appeared to extend through the floor of the dwelling.
 3. The back door (north facing) had a window present that had a gap between the upper and lower panes of glass.
 4. There was a gap where the upper pane of the back door window did not meet the window frame.

These are in contravention of the Minimum Housing and Health Standard section 2(a) which states; “The roof and exterior cladding of walls shall be maintained in a waterproof, windproof and weatherproof condition” and section and 2(b)(i) which states “All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof.”

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 October 18, 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 a working smoke alarm is installed between the sleeping area and the remainder of the unit.

- b. Ensure all exterior doors and windows are capable of being locked.
 - c. Ensure all vermin are eliminated. Where the application of pesticides is necessary ensure that a licensed pest control operator is retained.
 - d. Repair or replace all damaged finishes and ensure that the interior of the structure is maintained in a condition that renders it easily cleaned.
 - e. Remove all rotted/damaged building materials and replace with sound materials.
 - f. Repair or replace the damaged deck and ensure that the stairs, railing, guards and other components are maintained in good and safe condition.
 - g. Repair or replace the outer cladding and ensure the building is maintained in a waterproof, windproof and weatherproof condition.
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 St. Albert, Alberta, October 17, 2022

Confirmation of a verbal order issued to Katy van Bruggen and Gerald van Bruggen by conference call on October 17, 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>

St. Albert • St. Albert Public Health Centre • Environmental Public Health

23 Sir Winston Churchill Avenue, St. Albert, Alberta, Canada T8N 2S7

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