

ORDER OF AN EXECUTIVE OFFICER CLOSED FOR TENANT ACCOMODATION AND VACATE ORDER

To: **NSR Investments Inc.** **Jain Dhaval** **Makker Sahil**
 “Owners” **“Owner”** **“Owner”**

Fadil Murati with Ayre & Oxford Inc.
“Property Manager”

RE: Those housing premises located in Edmonton, Alberta and municipally described as:
 5615 118 Avenue Suite 104 NW (Block 1, Plan 0821286)

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 cover plates for the light switches were missing for the light switches in the hallway and the north bedroom.
- b. There was water damage on the ceiling in the bathroom.
- c. There were several cracked floor tiles in the bathroom.
- d. There were several ceramic wall tiles around the faucet that were cracked and lifting.
- e. There was no heat in the unit.
- f. The north bedroom window could not be opened.
- g. The west bedroom window could not be opened fully to the required emergency egress regulations.
- h. There was no smoke alarm on the ceiling.
- i. There was a broken windowpane in the west bedroom.

AND WHEREAS such inspection disclosed that the following breaches of the Public Health Act and the Housing Regulation, Alberta Regulation 173/99, the Minimum Housing and Health Standard exist in and about the above noted premises, namely:

- a. Item (a) is in 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.
- b. Items (b, c, d) is in contravention of section III(1)(c) of the Minimum Housing and Health Standards which states that: Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced and, section III(5)(a) of the Minimum Housing and Health Standards which states that: Rooms containing a flush toilet and/or a 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.

- c. Item (e) is in 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), or maintained at a temperature of at least 22 °C (71 F) when the control of the supplied heat in a dwelling is the responsibility of a person other than the occupant.
- d. Items (f, and g) is in contravention of section III (3)(b)(ii) of the Minimum Housing and Health Standards which states that: shall provide unobstructed openings with areas not less than 0.35 m² (3.8ft²), with no dimension less than 380 mm (15”).
- e. Item (h) is in 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.
- f. Item (i) is in contravention of section III(2)(b)(i) of the Minimum Housing and Health Standards which states that: All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof.

NOW THEREFORE, I hereby **ORDER** and **DIRECT**:

1. That the occupants vacate the above noted premises on or before 15 November 2022.
2. That the Owner undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. You must hire an **Environmental Consultant or Industrial/Occupational Health Hygienist that must be approved by Alberta Health Services and prior to the commencement of renovation or repairs.** As this apartment was built prior to 1990, **the presence of asbestos within building materials is likely thus all precautions must be taken. The consultant *must* assess the conditions within the above noted premises including performing applicable sampling for asbestos containing materials. In the event asbestos is present provide Environmental Public Health with a written asbestos management/abatement plan in accordance with the Alberta Occupational Health and Safety Code for Asbestos abatement. Ensure proper removal/handling of impacted materials follow current codes and standards as outlined in the Alberta Asbestos Abatement Manual.**
 - b. Remove and repair the ceiling and the ceramic tiles around the faucet in the bathroom, ensure that prior to disturbing any drywall material it is tested for asbestos as stated in the paragraph above.
 - c. Repair or install new flooring in the bathroom. Ensure that all flooring is in good repair, water resistant and can be easily cleaned.
 - d. Install cover plates for all missing electrical outlets. Ensure that outlets, switches and fixtures are properly installed and are maintained in a good and safe working condition.
 - e. Repair the heating system in the building to ensure that the unit can adequately be supply with heat. Ensure that the suite can be heated to an internal temperature 22 degrees Celsius.

- f. Repair or replace the bedroom windows so that they can open to a dimension of an area not less than 0.35 m² (3.8ft²), with no dimension less than 380 mm (15"). Ensure that the windows can be easily opened to achieve the required unobstructed opening for emergency egress regulations.
- g. Install a functioning smoke alarm on the ceiling in the hallway outside the bedrooms. Ensure that the smoke alarm is always functioning.
- h. Repair or replace the broken window in the west bedroom. Ensure that all windows are maintained in good repair, free of cracks and weatherproofed.

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 Edmonton, Alberta, 01 November 2022

Confirmation of a verbal order issued to Fadil Murati 01 November 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 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 www.qp.gov.ab.ca.

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 www.qp.gov.ab.ca.

Copies of standards are available by contacting the Health Protection Branch of Alberta Health at

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780-427-4518 or by visiting: <https://www.alberta.ca/health-standards-and-guidelines.aspx>

Edmonton • Environmental Public Health

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www.albertahealthservices.ca/eph.asp