

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

To: TRI-NEVADA HOLDINGS INC Kevin O'Neill
"the Owner" "the Owner"

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

RE: Those housing premises located in Edmonton, Alberta and municipally described as:
9622 105A Avenue NW T5H 0M4

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. A lack of safe heating as electrical and natural gas services were disconnected as result of a fire on the premise.
- b. A lack of proper emergency egress for the main and upper levels
- c. The premise cannot be properly secured
- d. No operational smoke alarms adjacent to sleeping areas
- e. Exterior stairwell to upper level lost as a result of fire
- f. A lack of access to operational kitchen facilities: including a operational stove & refrigerator
- g. Ceilings, walls and floors noted damaged by smoke fire and water throughout the premise

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. A lack of safe heating. This condition is contrary to section 8(a) of the Minimum Housing and Health Standards which states: "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, toilet rooms within the building to a temperature of (i) at least 22°C or (i) maintained at a temperature of at least 22°C when the control of the supplied heat in a dwelling is the responsibility of a person other than the occupant."
- b. A lack of proper emergency egress. This condition is contrary to section 3(b) of the Minimum Housing and Health Standards which states: (i) 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. (ii) 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"). (iii) If the window referred in section

- 3(b)(i) is provided with security bars, the security bars shall be installed so they may be opened from the inside without the use of any tools or special knowledge. (iv) Notwithstanding section 3(b)(i), (ii) and (iii), alternate provisions for emergency egress may be approved by an executive officer where, after consultation with a safety codes officer, the executive officer is satisfied that the alternate provisions provide for means of emergency egress.
- c. The premise cannot be properly secured. This condition is in contravention of section 3(a) of the Minimum Housing and Health Standards which states: “Exterior windows and doors shall be capable of being secured.”
 - d. There is no operational smoke alarm adjacent to sleeping areas within the unit. 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 and, where hallways serve the sleeping areas; the smoke alarms shall be installed within the hallway.”
 - e. Exterior stairwell to upper level lost as a result of fire. This is in contravention of section 3(c)(i) of the Minimum Housing and Health Standards which states that: “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.”
 - f. A lack of access to operational kitchen facilities: including a operational stove & refrigerator. This is in contravention of section 14(a) of the Minimum Housing and Health Standards which states that: “Every housing premises shall be provided with a food preparation area, which includes: (i) 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; and (ii) cupboards or other facilities suitable for the storage of food; and (iii) a counter or table used for food preparation which shall be of sound construction and furnished with surfaces that are easily cleaned; and (iv) a stove and a refrigerator that are maintained in a safe and proper operating condition. The refrigerator shall be capable of maintaining a temperature of 4 degrees C. (40 degrees F).”
 - g. Ceilings, walls and floors noted damaged by smoke fire and water throughout the premise. This condition is in contravention of section 1(c) and of the Minimum Housing and Health Standards which states: “Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.” and 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.”

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 September 27, 2022.
2. The Owner immediately secure the premises by boarding up all possible entry points.
3. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Ensure heating system is repaired or replaced, so that it is functioning properly
 - b. Repair/Replace emergency egress systems

- c. Repair exterior stairwell to upper level to comply with the Alberta Building Code
 - d. Install a functional smoke alarms adjacent to sleeping rooms
 - e. Ensure all kitchen facilities are operational
 - f. Ensure all walls, windows, ceilings, floors, and floor coverings are in good repair, free of cracks, holes, loose or lifting coverings and in a condition that renders it easy to clean.
4. 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 Edmonton, Alberta, September 26, 2022

Confirmation of a verbal order issued to Kevin O'Neill on September 26, 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 <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 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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Copy: City of Edmonton

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