

ORDER OF AN EXECUTIVE OFFICER UNFIT FOR HUMAN HABITATION

TO: Walter Warren Milley
“the Owner”

SUBJECT: Those housing premises located in Edmonton, Alberta and municipally described as:
9624 99A Street NW, T6E 3W8

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 premises contained an extreme level of hoard from floor to ceiling in every room including the basement. The clutter was blocking egress in case of fire, there was a danger of items falling down onto occupants, the premises was unsanitary and in a state that could harbour pest.
- b. The paint finish on the house exterior was cracking and peeling, leaving the wood siding exposed to the elements.
- c. The wooden window frames were rotting.
- d. The foundation was crumbling around the south basement window.
- e. The plywood deck in the backyard was sagging.
- f. There were broken panes on a number of the exterior windows.
- g. The window in the west bedroom was missing a storm sash.
- h. The steps at the front entrance were missing a guardrail.
- i. The existing guards on the front porch were 16 inches in height where they should be at least 36 inches in height.
- j. The living room ceiling had been moisture damaged, most likely from previous roof leaks.
- k. The ceiling in a room in the basement was missing finishing materials in two places.
- l. The tub wall surround had a large hole, and it was simply covered with black tape.
- m. The paint finish on the bathroom walls and ceiling was cracking and peeling.
- n. The bathroom lacked natural or mechanical ventilation.
- o. The refrigerator was not operational.

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. Violation item [a] is in contravention of section 5(2) of the Housing Regulation 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” and section 2(1) of the Nuisance and General Sanitation Regulation which states: “No person shall create, commit, or maintain a nuisance.”
- b. Violation items [b], [c], [d], & [e] are in contravention of section 1(c) 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.”
- c. Violation item [f] is in contravention of section 2(b)(i) of the Minimum Housing and Health Standards which states: “All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof.”
- d. Violation item [g] is in contravention of section 2(b)(ii) of the Minimum Housing and Health Standards which states: “In housing premises intended for use during the winter months, windows in habitable rooms shall protect against cold weather through the provision of a storm sash, double glazing, or other durable thermal/air resistant barrier as may be approved by the Executive Officer.”
- e. Violation items [h] & [i] are in contravention of section 3(c)(i) of the Minimum Housing and Health Standards which states: “Guards shall be maintained in good repair and shall comply with the requirements of the Alberta Building Code or a Professional Engineer design.”
- f. Violation items [j] & [k] are 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.”
- g. Violation items [l] & [m] are in contravention of section 5(a) of the Minimum Housing and Health Standards which states: “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.”
- h. Violation item [n] is in contravention of section 7(c) of the Minimum Housing and Health Standards which states: “All rooms containing a flush toilet and/or bathtub or shower shall be provided with natural or mechanical ventilation. A bathroom fan exhausted to the exterior is needed where windows cannot be solely relied upon.”
- i. Violation item [o] is in contravention of section 14 of the Minimum Housing and Health Standards which states: “Unless the rental agreement stipulates the tenant is responsible, it is the owners responsibility to ensure that the food preparation area is provided with a refrigerator that is capable of maintaining a temperature of 4°C (40°F) and it is maintained in safe and proper operation condition.”

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 Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Contract the services of a professional remediation company that specializes in fire/water damage restoration, waste, and/or hazardous materials remediation to assess and remove waste and clutter from all areas of the premises and property.
 - b. Thoroughly clean all surfaces inside the dwelling.
 - c. Refinish the painted surfaces on the exterior of the building.
 - d. Repair or replace all the rotten window frames.
 - e. Repair the crumbling portion of the foundation.
 - f. Repair or replace the plywood deck in the backyard.
 - g. Replace all the broken windowpanes.
 - h. Install a winter sash or a double glazed window in the west bedroom.
 - i. Install a guard along the open side of the front steps. The guard should be at least 36 inches in height with no openings greater than 4 inches.
 - j. Replace or retrofit the existing guards on the front porch to a height of at least 36 inches with no openings greater than 4 inches.
 - k. Repair the ceilings in the living room and in the room in the basement.
 - l. Repair the bathtub surround.
 - m. Refinish the bathroom walls and ceiling.
 - n. Repair the bathroom window to provide natural ventilation or install a bathroom fan.
 - o. Repair or replace the refrigerator.
2. 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, August 12, 2021

Executive Officer
Alberta Health Services

Copy: Clifford Milley and Jacob Rikley

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, Telus Plaza North Tower
10025 Jasper Avenue NW
Edmonton, Alberta, T5J 1S6
Phone: 780-222-5186
Fax: 780-422-0914
Email: HealthAppealBoard@gov.ab.ca
Website: <http://www.alberta.ca/public-health-appeal-board.aspx>

A Notice of Appeal form may be obtained by contacting Alberta Health Services at 780-342-0122 or by contacting the Public Health Appeal Board.

Health Legislation, Regulations and Standards

Electronic versions of the Public Health Act and Regulations are available at the Alberta Queen'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 Queen'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 780-427-4518 or by visiting: www.alberta.ca/health-standards-and-guidelines.aspx