

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

To: Ngoc Lien Vuong
"the Owner"

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

RE: Those housing premises located in Edmonton, Alberta and municipally described as:

9626 105A Avenue NW Edmonton, AB 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. The foundation of the home was in disrepair. A large section of the foundation adjacent to the basement stairs was damaged and impeding access to the stairs. Large cracks and holes were observed along the walls of the foundation.
- b. There were no working smoke alarms installed between the bedrooms/sleeping spaces of the home and the remainder of the home.
- c. The guard rail located along the upstairs landing was not securely attached to the wall. Furthermore, the guard rail measured 29.5 inches tall.
- d. The flooring throughout the home was in disrepair. The flooring in the kitchen had large gaps present and a number of places had been repaired using duct tape. The flooring in the upstairs portion of the home was damaged and there were gaps present within the flooring material. As a result, the flooring in this space was no longer smooth and easy to clean.
- e. The ceiling material along the main floor and upstairs portions of the home was cracked and damaged. There were large cracks present along the main floor ceiling. The upstairs ceiling was water damaged and the finishing material was warped in a number of places.
- f. A number of the outlets covers throughout the home were missing.
- g. The caulking around the tub/shower surround was worn and missing.
- h. The back door did not form a tight seal with the door casing. As a result, the area surrounding the back door was not weatherproof.
- i. The northwest wall within the main floor bathroom was water damaged.

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. The foundation of the home was in disrepair. A large section of the foundation adjacent to the basement stairs was damaged and impeding access to the stairs. Large cracks and holes were observed along the walls of the foundation. This is in contravention of Section 1(a) – (c) of the Minimum Housing and Health Standards, which states that “(a) The housing premises shall be structurally sound. (b) Basements, cellars or crawl spaces shall be structurally sound, maintained in good repair and free from water infiltration and accumulation. (c) Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.”
- b. There were no working smoke alarms installed between the bedrooms/sleeping spaces of the home and the remainder of the home. 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. (a) Smoke alarms shall be operational and in good repair at all times.”
- c. The guard rail located along the upstairs landing was not securely attached to the wall. Furthermore, the guard rail measured 29.5 inches tall. 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.”
- d. The flooring throughout the home was in disrepair. The flooring in the kitchen had large gaps present and a number of places had been repaired using duct tape. The flooring in the upstairs portion of the home was damaged and there were gaps present within the flooring material. As a result, the flooring in this space was no longer smooth and easy to clean. This is in contravention of Section 5 of the Minimum Housing and Health Standards, which states 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. (a) 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. (b) 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.”
- e. The ceiling material along the main floor and upstairs portions of the home was cracked and damaged. There were large cracks present along the main floor ceiling. The upstairs ceiling was water damaged and the finishing material was warped in a number of places. This is in contravention of Section 5 of the Minimum Housing and Health Standards, which states 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.”
- f. A number of the outlets covers throughout the home were missing. This is in contravention of Section 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.”
- g. The caulking around the tub/shower surround was worn and missing. This is in contravention of Section 5(a) of the Minimum Housing and Health Standards, which states 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. (a) 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. The back door did not form a tight seal with the door casing. As a result, the area surrounding the back door was not weatherproof. This is in contravention of Section 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.”
- i. The northwest wall within the main floor bathroom was water damaged. This is in contravention of Section 1(c) of the Minimum Housing and Health Standards, which states that “(c) Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.”

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 March 8, 2024.
2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Hire the services of a structural engineer or foundation repair professional to assess the damage to the foundation. Provide a copy of the reports generated by the structural engineer/foundation repair professional to Alberta Health Services Environmental Public Health.
 - b. Install a smoke alarm between each sleeping area of the home and the remainder of the home. Ensure the smoke alarm is maintained in properly operating condition.
 - c. Modify/replace the upstairs guardrail to ensure the height of the guardrail measures 36 inches high (and the space between spindles is no greater than 4 inches) and meets requirements of the applicable Alberta Building Code.
 - d. Repair or replace the damaged flooring throughout the home. Ensure the surface of the flooring is maintained in a condition that is smooth, impervious to moisture, and easy to clean.
 - e. Repair the damaged portions of the ceiling throughout the home. Remove and replace any water damaged materials.
 - f. Replace the missing outlet covers throughout the home.
 - g. Replace the caulking around the bathtub/shower surround. Ensure the joints between the shower surround and the wall form a watertight seal.
 - h. Replace the missing weatherstripping along the backdoor.
 - i. Abate the source of the water leading to water damage along the northwest bathroom wall. Allow the space to dry, then remove and replace any damaged materials.
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 Edmonton, Alberta, February 8, 2024.

Confirmation of a verbal order issued to Ngoc Lien Vuong on February 8, 2024.

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>

Edmonton • Environmental Public Health

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www.albertahealthservices.ca/eph.asp