

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

TO: Phu Hung Nguyen
(the “**Owner**”)

And To: All Occupants (the “**Occupants**”) of those premises located in Calgary, Alberta and municipally described as:

24 Weston Way SW
Calgary, Alberta

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

**24 Weston Way SW
Calgary, Alberta**

WHEREAS, pursuant to section 62 of the Public Health Act Chapter P-37 of the Revised Statutes of Alberta 2000, an Executive Officer who, following an inspection, has reasonable and probable grounds to believe that a nuisance exists in or on the place that was the subject of the inspection or that the place or the owner of it or any other person is in contravention of this Act or the regulations, the Executive Officer may issue a written order,

AND WHEREAS I, an Executive Officer of Alberta Health Services, have inspected the above noted premises and found to exist conditions which are or might become injurious or dangerous to the public health or that might hinder the prevention or suppression of disease or are in contravention of the Housing Regulation and/or the Nuisance and General Sanitation Regulation promulgated pursuant to Section 66 of the Public Health Act,

AND WHEREAS such inspection disclosed that the following breaches of the Public Health Act and the Nuisance and General Sanitation Regulation, Alberta Regulation 243/03, the Housing Regulation, Alberta Regulation 173/99, and/or Minimum Housing and Health Standards exist in and about the above noted premises, namely:

- Mould growth is evident within the premises. Excess heat and humidity produced during the plant growing activities are suitable conditions for mould growth. Surfaces in the basement show visible mould growth. This is a breach of Section 2(1) of the Nuisance and General Sanitation Regulation and of Sections 3, 4 and 5 of the Housing Regulation.

- Combustion gases from disconnected and redirected exhaust stacks from the furnace and hot water tank were being discharged into the premises. The HVAC system has been tampered with. This is a breach of Section 2(1) of the Nuisance and General Sanitation Regulation and of Sections 3, 4 and 5 of the Housing Regulation.
- Electrical system has been tampered with and a hole has been cut through the foundation wall to bypass the meter. This is a breach of Section 2(1) of the Nuisance and General Sanitation Regulation and of Sections 3, 4 and 5 of the Housing Regulation.
- Surfaces throughout the growing and mixing areas are contaminated from the use of chemical/fertilizer solutions. Plant growing and related activities were evident throughout the basement and in the upper level bedrooms. This is a breach of Section 2(1) of the Nuisance and General Sanitation Regulation and of Sections 3, 4 and 5 of the Housing Regulation.
- Structural and interior damages are evident in the premises, including:
 - There is water staining around the attic hatch in the master bedroom
 - There is evidence of water damage and damaged ceilings throughout the home

This is a breach of Section 2(1) of the Nuisance and General Sanitation Regulation and of Sections 3, 4 and 5 of the Housing Regulation.

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 above noted premises be **vacated by October 31, 2011**.
2. That the above noted premises be **secured from any and all unauthorized entry**.
3. That all products that may rot or decay be removed from the premises and properly disposed of.
4. That **permission to enter is received in writing** from the undersigned or a designated alternate Executive Officer of Alberta Health Services.
5. That, if the above noted premises are to be reoccupied, the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Retain the services of an **Environmental Health or Indoor Air Quality Consultant** to:
 - (i) assess the conditions within the above noted premises including the carrying out of environmental air quality analyses of the interior spaces (including the attic, wall and floor cavities, and crawlspaces) for water and mould damage; and

- (ii) prepare for review by Alberta Health Services a detailed assessment report and scope of work plan, including a hazardous materials audit and management plan.

Testing and reporting shall follow the requirements outlined in Alberta Health Services' Fungal Air Testing Protocol and must include extensive intrusive and destructive testing and shall and must include inspection and assessment of hidden cavities and surfaces such as, but not limited to, cutting access holes (or using boroscopes) into walls and ceilings, lifting carpets or vinyl sheet flooring, removing wallpaper for investigation purposes. The consultant's report shall describe, amongst other things, the building construction, finishes, materials and components and the results of their investigations along with recommendations for restoration, repair, and the remediation as required for reoccupation of the building. ***The Consultant should have current, active membership in a related professional organization or certifying body and shall be first approved in writing by Alberta Health Services.***

- **Due to the potential for moisture issues, extensive intrusive testing must be performed throughout all levels and rooms to ensure no hidden moisture concerns or moulds exist between internal and external walls. The insulation, vapour barrier and external wall sheathing shall be thoroughly examined for damages, moisture, and suspect mould growth. Testing locations must include upper edges of walls and areas below windows. All baseboards and all window trim throughout the premises must be removed to allow observation of the area behind.**
- b. **Prior to performing any work inside the above noted premises** apply for and obtain all permits and approvals required by law, including, but not limited to, Environmental Restoration, Electrical, Plumbing, Gas and/or Mechanical permits. (The Environmental Restoration permit may require that you obtain the services of a **Professional Engineer (Alberta)** to provide an intended Scope of Work report which shall describe the building construction, finishes, materials and components and the results of their investigations along with recommendations for restoration, repair, and remediation as required for reoccupation of the building. Any such Report shall be forwarded to Alberta Health Services.) ***It is important that services (electricity and natural gas) be reinstated to allow the provision of light, heat and hot water to facilitate proper cleaning.***
- c. Retain the services of contractors to make all structural, electrical, and mechanical repairs necessary, all in compliance with applicable codes and regulations, and thereafter provide Alberta Health Services with a report or reports from such contractor or contractors confirming the work performed. ***It is recommended that the cleaning and restoration work be carried out by a member in good standing of the Better Business Bureau (BBB), and/or the Institute of Inspection, Cleaning and Restoration (IICRC), the Environmental Services Association of Alberta (ESAA) or an equivalent professional body.***
- **The hole cut through the foundation wall must be properly repaired and must be sealed from the outside to prevent water infiltration into the**

premises. The repair must be inspected prior to backfilling the exterior excavation.

- All damages shall be properly repaired, inspected and reported on as to the suitability of the repairs prior to replacement of new materials.
- **NOTE THAT ALL INSPECTIONS MUST BE PERFORMED PRIOR TO COVERING UP ANY REPAIR OR INVESTIGATION SITES**

d. Retain the services of a restoration and mould remediation specialist, approved by Alberta Health Services, to remove and replace or clean, as required, any and all drywall, building materials, and finishing materials, or any other item that is or may be water damaged, infested with or damaged by mould or bacteria or otherwise contaminated with chemicals or other substances of concern, all in accordance with the direction required at item 4.a, above. (Reference should be made to Mould Guidelines for the Canadian Construction Industry located at www.cca-acc.com/mould/.) *It is recommended that the cleaning and restoration work be carried out by a member in good standing of the Institute of Inspection, Cleaning and Restoration or an equivalent professional body.*

- All materials related to the plant growing operation that are remaining behind, including pots, soil, fans, lights, cutting tools, chemicals and general rubbish, shall be removed and disposed of and a manifest attesting to this disposal provided to Alberta Health Services.
- All furnishings and window coverings throughout shall be removed and professionally cleaned or disposed of and shall not be reinstalled nor stored in an attached garage due to the chance of recontamination.
- Building products requiring removal shall be tested for hazardous content where deemed necessary by the professional consultant.
- All paneling, drywall, vapour barrier, insulation throughout the basement and the basement stairway, including ceilings and rim board areas, shall be removed and disposed of. All wood framing throughout the basement shall be removed and disposed of. All concrete basement walls and floors shall then be thoroughly washed with detergent and water and quickly dried. The concrete basement floor shall not be covered or painted until after remediation and air sampling is complete and has been accepted by Alberta Health Services.
- All drywall throughout the second level bedrooms, bathrooms and hallway, including ceilings, and all wood framing and exterior wall sheathing, insulation and vapour barrier shall be professionally assessed for damage from moisture, mould or chemicals and repaired or replaced as necessary.
- All window trim around all windows shall be removed to enable thorough assessment of the surfaces behind.

- All carpeting and underlay throughout the basement, including all tack boards, shall be removed and disposed of and the sub floor assessed for suitability after thorough cleaning. All baseboards shall be removed, cleaned and assessed for suitability.
 - All carpeting throughout the main level and upper level shall be either cleaned or removed, based on the professional opinion of the environmental consultant.
 - All damaged ceilings throughout the main floor shall be properly removed and disposed of and replaced with new materials.
 - All attic insulation and vapour barrier shall be inspected for soundness and repaired or replaced as necessary. The roof sheathing and roof trusses must be thoroughly cleaned, inspected for damage, and repaired or replaced. Detailed photographic evidence and a written assessment of the attic space and the conditions within shall be submitted to Alberta Health Services along with the initial assessment report.
 - All remaining hard surfaces throughout, including but not limited to walls, floors, doors, cupboards, shall be thoroughly washed with detergent and water.
- e. Ensure that additional, general renovation work, including painting, reinstallation of drywall and laying of new flooring and/or sub floors does not occur until suitable air sample results are received and submitted and the work identified at items 5.a, 5.b, 5c. and 5.d has been completed to the satisfaction of Alberta Health Services.
- f. Properly dispose of all chemicals and produce a valid manifest attesting to such proper disposal. Chemicals and chemical mixtures are **not to be disposed of in the sanitary nor storm sewers.**
- g. Retain the services of a licensed furnace company to inspect, clean and disinfect the HVAC supply air ducts, floor vents, return air plenums and the furnace within the premises. This required cleaning shall take place as a final step after the completion of all remediation work but before final air sampling. ***It is recommended that the furnace cleaning company be a member in good standing of the Better Business Bureau (BBB) and/or the National Air Duct Cleaners Association or an equivalent professional body.***
- h. Ensure that water, gas and electrical services are properly inspected and reinstated by the providers of such utility services.
- i. Provide a detailed remediation and repair report which includes copies of all disposal manifests for removed materials, invoices for new, replacement materials, work orders, receipts, results, photos, inspection certificates and any other documentation pertaining to the work required hereby to Alberta Health Services.

- j. Take any further steps in the interests of preserving and maintaining the health of any person who may, in the future, occupy the above noted premises as may be required by the Executive Officer.

That, until such time as the work referred to in paragraph 5 is completed to the satisfaction of the undersigned or by another executive officer of Alberta Health Services, the above noted premises shall remain vacant and shall be secured from unauthorized entry. Entry may be authorized only for the purposes of complying with this Order, and full personal protective equipment should be worn. Until otherwise directed by Alberta Health Services, full personal protective equipment should be worn by any person seeking entry.

The above conditions were noted at the time of inspection and may not necessarily reflect all deficiencies. You are advised that further repairs may be required to ensure full compliance of the Housing Regulation and/or the Nuisance and General Sanitation Regulation, or to prevent a Public Health Nuisance.

This order remains in effect until the nuisance has been corrected to the satisfaction of an Executive Officer of Alberta Health Services. Failure to comply with this order will result in further action.

No person shall conceal, deface, destroy, or remove a notice posted pursuant to the Public Health Act.

Dated at Calgary, Alberta, this 24th day of October 2011.

Ryan Lau, CPHI(C)
Executive Officer/Public Health Inspector

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 within ten (10) days after receiving the order to the Public Health Appeal Board located at 24th Floor, Telus Plaza, 10025 - Jasper Avenue, Edmonton, Alberta, T5J 1S6

Telephone (780) 427-2813.

The terms of this Order remain in effect notwithstanding the filing or proposed filing of any such appeal. If you appeal, you may also make an application to the Board for a stay of this Order pending the appeal.

A copy of the Public Health Appeal form may be obtained by contacting Alberta Health Services at (780) 342-0122 or the Public Health Appeal Board (780) 427-2813.

You are advised that all orders remain in effect pending such an appeal

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 & Wellness at (780) 427-4518, or by visiting: www.health.alberta.ca/about/health-legislation.html

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604 Main Street South
Airdrie, AB T4B 3K7
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Fax: 403-912-8410

BANFF Health Unit
303 Lynx Street
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Banff, AB T1L 1B3
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10101 Southport Road SW
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CANMORE Public Health
#104, 800 Railway Avenue
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www.albertahealthservices.ca/eph.asp