

**IN THE MATTER OF THE PUBLIC HEALTH ACT – ALBERTA**  
**ORDER OF AN EXECUTIVE OFFICER**

**To:** Nixious Investments Inc.  
101, 138 – 18 Avenue SE  
Calgary, Alberta T2G 5P4

Alecto Developments Inc.  
P.O. Box 52296  
Calgary, Alberta T2E 8K9

**And to:** Donald Smith and all other occupants  
305, 2121 – 17 Street SW  
Calgary, Alberta T2T 4M5

**Re:** Those premises located in Calgary, Alberta and municipally described as:  
  
305, 2121 – 17 Street SW  
Calgary, Alberta

WHEREAS I, an **Executive Officer** of the **Calgary Health Region**, 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 the prevention or suppression of disease, namely:

- a. There is extensive mould growth throughout the suite.
- b. Hot water is leaking at the bathtub faucet.
- c. The bathtub is extremely rusted, and this may be allowing water to leak underneath.
- d. The suite entry door cannot be effectively secured against outside entry.

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

- a. There is extensive mould growth throughout the suite. This is in contravention of Section 5: "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".
- b. Hot water is leaking at the bathtub faucet. This is in contravention of Section 6 (c): "All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside".

- c. The bathtub is extremely rusted, and this may be allowing water to leak underneath. This is in contravention of Section 5 (b): "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".
- d. The suite door cannot be effectively secured against outside entry. This is in contravention of Section 3 (a): "Exterior windows and doors shall be capable of being secured".

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 remain vacant.
2. 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 a **licensed restoration and mould remediation specialist, approved by Calgary Health Region**, to identify, then remove and replace or clean, as required, any and all drywall, building materials, and finishing materials, and any other item that is or may be water damaged, infested with or damaged by mould or otherwise contaminated. (Reference should be made to Mould Guidelines for the Canadian Construction Industry located at [www.cca-acc.com/mould/](http://www.cca-acc.com/mould/)). You must ensure other tenants in the building are protected from exposure to mould spores throughout the work.
  - b. Complete additional, general renovation work, including painting, reinstallation of drywall and laying of new flooring or subfloors only AFTER the suite is inspected to the satisfaction of the Calgary Health Region.
  - c. Repair the water leak at the bathtub faucet. Identify and correct any additional sources of moisture that may be contributing to the mould growth in the suite.
  - d. Repair or replace the bathtub so that it is smooth, easy to clean, and does not permit water to leak through it. You must investigate beneath the bathtub and remediate as necessary according to paragraph 2 (a).
  - e. Repair or replace the suite entry door and/or door frame so that the door can be effectively secured by the occupant.
3. That, until such time as the work referred to in paragraph 2 is completed to the satisfaction of the undersigned, or an executive officer of the Calgary Health Region, the above noted premises shall remain vacant and secured from unauthorized entry.

Dated at Calgary, Alberta, this 7<sup>th</sup> day of December, 2006.

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Karen Clarke, CPHI(C)  
Executive Officer  
Calgary Health Region

***Section 5(2) of the Public Health Act provides that a person who is directly affected by this Order and considers himself or herself aggrieved hereby may appeal the same to the Public Health Appeal Board, 21<sup>st</sup> Floor, Telus Plaza North Tower, 10025 Jasper Avenue, Edmonton AB T5J 2N3, within ten (10) days. The terms of this Order remain in effect notwithstanding the filing or proposed filing of any such appeal.***

***The Owner is advised that the Public Health Act empowers the Calgary Health Region to carry out the terms of this Order on the Owner's behalf and at the Owner's expense should the Owner fail to comply with the terms hereof.***

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**Airdrie**

Airdrie Public Health Centre  
604 Main Street South  
Airdrie, AB T4B 3K7  
Phone: 403-912-8400  
Fax: 403-912-8410

**Banff**

Banff Health Centre  
303 Lynx Street  
PO Box 1266  
Banff, AB T1L 1B3  
Phone: 403-762-2990  
Fax: 403-762-5570

**Calgary/Mountain View/Rocky View**

Calgary Health Region, Centre 15  
1509 Centre Street SW  
Calgary, AB T2G 2E6  
Phone: 403-943-8060  
Fax: 403-943-8090

**Canmore**

Canmore Public Health  
#104, 800 Railway Avenue  
Canmore, AB T1W 1P1  
Phone: 403-678-5656  
Fax: 403-678-5068

**Claresholm**

Claresholm Public Health  
5221 2<sup>nd</sup> Street W  
PO Box 1391  
Claresholm, AB T0L 0T0  
Phone: 403-625-4061  
Fax: 403-625-4062

**Didsbury**

Didsbury Health Unit  
PO Bag 130  
1210 -20th Avenue  
Didsbury, AB T0M 0W0  
Phone: 403-335-7292  
Fax: 403-335-7610

**Okotoks**

Okotoks Public Health Centre  
11 Cimarron Commons  
Okotoks, AB T1S 2E9  
Phone: 403-995-2600  
Fax: 403-995-2639

**Strathmore**

Public Health Building  
650 Westchester Road  
Strathmore, AB T1P 1H8  
Phone: 403-934-3454  
Fax: 403-934-3827