

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

To: Elaine C. Sadler & William A. Sadler
1935 - 62 Avenue S.E.
Calgary, Alberta T2C 0C1

Summit Development Corporation
#105 – 1905 Centre St. N.W.
Calgary, Alberta T2E 2S7

Clive O. Llewellyn
Fleming LLP, Barristers & Solicitors
Suite 1500, 736 – 6th Avenue S.W.
Calgary, Alberta T2P 3T7

Summit Development Corporation
C/O Monika Meshkati
68178 – 28 Crowfoot Terrace N.W.
Calgary, Alberta T3G 4J8

Cobalt Inc.
#206, 4600 Crowchild Tr. N.W.
Calgary, Alberta T3A 2L6

R.O.L. Holdings Ltd.
#206, 4600 Crowchild Tr. N.W.
Calgary, Alberta T3A 2L6

Ramsey Haymour
9 Rosewood Dr. S.W.
Calgary, Alberta T3Z 3K7

And To: All Occupants of those premises located in municipality, Alberta and municipally described as:

1935 – 62 Avenue S.E.
Calgary, Alberta

Re: Those premises located in [municipality], Alberta and municipally described as:

1935 – 62 Avenue S.E.
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. The supply of natural gas has been shut-off and there is no heat or hot water supplied within the rental accommodation;
- b. The main sewer stack has a pipe that is unsecured, and coming undone, that is leaking sewage to the utility room floor;
- c. The electrical service has plug ins and light switches without cover plates and a blackened plug in the rear entry has malfunctioned;
- d. The kitchen sink drain/piping is leaking to the area under the sink and is not draining to waste. The bathroom taps drip constantly and will not shut-off;
- e. The toilet won't flush without overflowing because the waste line will not accept the wastewater to the main sewer line;
- f. The last bedroom has a window with a broken/missing pane of glass;
- g. Most windows are painted so they will not move within the frame with some completely closed while others are fixed in an open or partially open state;
- h. There is a mouse infestation throughout the rental accommodation;
- i. The refuse/discarded articles in the garage acts as a harbourage for mice and other vermin and encourages access closer to the rental accommodation;
- j. The ceiling in a main floor linen closet is unfinished, leaving an opening to the attic.

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

- a. The supply of natural gas has been shut-off and there is no heat or hot water supplied within the rental accommodation;

This is a breach of the “Minimum Housing and Health Standards”, specifically, Section 8d, which states: “Every owner of a housing premises shall ensure a continuous supply of electricity, water and heat unless the rental agreement stipulates that such services are sole responsibility of the occupant.”

This is also a breach of the “Minimum Housing and Health Standards”, specifically, Section 9, which states: “Every building used in whole or in part , as housing premises shall be supplied with a potable water supply of sufficient volume, pressure, and temperature to serve the needs of the inhabitants.”

- b. The main sewer stack has a pipe that is unsecured and is popping out of the connection. Sewer gas is leaking into the house and sewage water is leaking to the basement floor under the furnace and hot water tank;

This is a breach of the “Minimum Housing and Health Standards”, specifically Section 6(c), which states: 6) Plumbing and Drainage System “Every housing premises shall be connected to the public sewage system, or an approved private sewage disposal system.- (c) All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.”

- c. The electrical service has plug ins and light switches without cover plates and a blackened plug in the rear entry has malfunctioned;

This is a breach of the “Minimum Housing and Health Standards”, specifically Section 11, which states: “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.”

- d. The kitchen sink drain/piping is leaking to the area under the sink and is not draining to waste. The bathroom taps drip constantly and will not shut-off;

This is a breach of the “Minimum Housing and Health Standards”, specifically Section 6(c), which states: water 6) Plumbing and Drainage System “Every housing premises shall be connected to the public sewage system, or an approved private sewage disposal system.- (c) All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.”

- e. The toilet won’t flush without overflowing because the waste line will not accept the wastewater to the main sewer line;

This is a breach of the “Minimum Housing and Health Standards”, specifically Section 6(c), which states: 6) Plumbing and Drainage System “Every housing premises shall be connected to the public sewage system, or an approved private sewage disposal system.- (c) All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.”

- f. The last bedroom has a window with a broken/missing pane of glass;

This is a breach of the “Minimum Housing and Health Standards”, specifically Section 2(b), which states: 2) Windproof, waterproof, weatherproof condition – (b) “All windows and exterior doors shall be maintained in good repair, free of cracks and weatherproof.”

- g. Most windows are painted so they will not move within the frame with some completely closed while others are fixed in an open or partially open state;

This is a breach of the “Minimum Housing and Health Standards”, specifically Section 3(b), which states: Emergency Egress – “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.”

- h. There is a mouse infestation throughout the rental accommodation;

This is a breach of the “Minimum Housing and Health Standards”, specifically Section 16(a), which states: “The owner shall ensure that all rooms and others areas used in common by the occupants of the individual dwellings maintained in a clean and sanitary condition. (a) The owner shall ensure that the housing premises are free of insect and rodent infestations.”

- i. The refuse/discarded articles in the garage acts as a harbourage for mice and other vermin and encourages access closer to the rental accommodation;

This is a breach of the “Minimum Housing and Health Standards”, specifically Section 16(a), which states: “The owner shall ensure that all rooms and others areas used in common by the occupants of the individual dwellings maintained in a clean and sanitary condition. (a) The owner shall ensure that the housing premises are free of insect and rodent infestations.”

- j. The ceiling in a main floor linen closet is unfinished leaving an opening to the attic.

This is a breach of the “Minimum Housing and Health Standards”, specifically Section 5(a), which states: 5) Finishes “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 above noted premises be vacated no later than 12:00pm (noon), on Friday, the 18th day of May, 2007.
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. The natural gas supply must be reconnected and/or turned back on and the gas fired appliances it serves must be operating normally;

- b. The damaged sewer pipe must be repaired to eliminate leaks of sewage and sewer gas. Contaminated floor surfaces must be cleaned and disinfected;
 - c. All electrical plugs and light switches must have cover plates installed and shorted out, blackened receptacles (l.e. Rear entry) must be repaired/replaced;
 - d. The leaking sink piping/drain in the kitchen must be repaired. The leaking faucets need to be repaired or replaced. The sewer system must be made to flow freely without any blockage or restriction;
 - e. The toilet or attached piping must be repaired to work appropriately and free of defects or blockages;
 - f. The broken inner window pane in the last bedroom needs to be replaced;
 - g. All windows that are painted shut, open or partially open must be repaired so they can be opened and closed easily without special knowledge or tools;
 - h. The mouse infestation on these premises needs to be eradicated along with closure of entry points to the dwelling and removal of any exterior vermin harbourage conditions. A professional pest control company is recommended due to the nature of this infestation;
 - i. The nuisance condition of refuse and waste accumulated in the garage and other out buildings must be cleaned up and removed from the property;
 - j. The ceiling in the main floor linen closet needs to be repaired to a smooth, cleanable surface with no direct opening to the attic space.
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 3rd day of May, 2007.

Lew Skjonsby
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, 24th 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.

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 2nd Street W
PO Box 1391
Claresholm, AB T0L 0T0
Phone: 403-625-4061
Fax: 403-625-4062

Didsbury

Didsbury Health Unit
PO Bag 130
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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
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Strathmore

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

www.calgaryhealthregion.ca/envhealth