

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

**To:** Anny Hon Ying Sun & Don M. Sun  
29 Edgeford Road N.W.  
Calgary, Alberta T3A 2S5

**And To:** Tessemai Bezu and All Occupants of those basement suite premises located in Calgary, Alberta and municipally described as:  
  
211 Forest Way S.E.  
Calgary, Alberta T2A 5B5

**Re:** Those basement suite premises located in Calgary, Alberta and municipally described as:  
  
211 Forest Way S.E.  
Calgary, Alberta T2A 5B5

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 windows in the basement suites are of insufficient size for egress in case of emergency;
- b. The grease filter, fan and ducting in the kitchen are built without a vent hood or development permit;
- c. A hot plate with a single working burner does not meet requirements for a shared kitchen.

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 windows in the basement suites are of insufficient size for egress in case of emergency;

**This is a breach of the “Minimum Housing and Health Standards”, specifically, Section 3B,**

which states: “3. Safe and Secure, (b) 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.

- (i) Windows referred to above shall provide unobstructed openings with areas not less than 0.35 m<sup>2</sup> (3.8 ft<sup>2</sup>), with no dimension less than 380mm (15”).
- (ii) If the windows referred above is provided with security bars, the security bars shall be installed so they may be opened from the inside without the use of any tools or special knowledge.”

- b. The grease filter, fan and ducting in the kitchen are home built without a vent hood or sticker stating the last time grease was cleaned from ducting;

This is a breach of the “Minimum Housing and Health Standards”, specifically, Section 14D, which states: “14. Food Preparation Facilities – (d) The owner shall be responsible for the provision and operating condition of the cooking and refrigeration equipment supplied by the owner, unless the rental agreement stipulates that the tenant is responsible.”

This is also in breach of the Nuisance and General Sanitation Regulation, A.R. 243/2003, Section 2(1) & 2(2)(h)(iii) which states: 2(1) “No person shall create, commit or maintain a nuisance. 2(2) Without limiting the generality of subsection (1), a person who creates, commits or maintains - (h) any building that, due to – (iii) lack of ventilation in it sufficient to render harmless any gases, vapours, dust or other impurities generated within it, is or might become injurious or dangerous to the public health or that might hinder in any manner the prevention or suppression of disease is deemed to have created, committed or maintained a nuisance.”

- c. No stove is present and only one one burner on the hot plate provided actually works.

This is a breach of the “Minimum Housing and Health Standards’, specifically, Section 14(a)(iv), which states: “14. Food Preparation Facilities – (a) Every housing premises shall be provided with a food preparation area, which includes: (iv) a stove and a refridgerator that are maintained in a safe and proper operating condition. The refridgerator shall be capable of maintaining a temperature of 4 degrees C. (40<sup>0</sup> F).”

AND WHEREAS, by virtue of the foregoing, the above noted premises are hereby declared to be **closed for tenant accommodation purposes;**

NOW THEREFORE, I hereby **ORDER** and **DIRECT**:

1. That tenants inhabiting the above noted premises be **vacated** no later than 12:00pm (noon) on Tuesday, the 3<sup>rd</sup> day of July, 2007.
2. That, if the above noted premises are to be reoccupied by the public, the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
  - a. Install new basement suite bedroom windows that meet minimum size requirements or redevelop the existing windows to meet the minimum size requirements;
  - b. If a shared kitchen is permitted by the City of Calgary Development Officials then a vent hood to augment the exhaust fan is required along with a development permit and approval for the existing exhaust fan and associated ducting;
  - c. If a shared kitchen is permitted by the City of Calgary Development Officials then a clean four burner stove with oven is required.
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 **closed for tenant accommodation purposes**.

Dated at Calgary, Alberta, this 3<sup>rd</sup> day of May, 2007.

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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, 24<sup>th</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**

**Didsbury**

**Okotoks**

**Strathmore**

**ORDER OF AN EXECUTIVE OFFICER**

**Re: Those premises located in Calgary, Alberta and municipally described as 211 Forest Way S.E., Calgary, Alberta**

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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 Health Unit  
PO Bag 130  
1210 -20th Avenue  
Didsbury, AB T0M 0W0  
Phone: 403-335-7292  
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Okotoks Public Health Centre  
11 Cimarron Commons  
Okotoks, AB T1S 2E9  
Phone: 403-995-2600  
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Public Health Building  
650 Westchester Road  
Strathmore, AB T1P 1H8  
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[www.calgaryhealthregion.ca/envhealth](http://www.calgaryhealthregion.ca/envhealth)