

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

To: Elrand Holdings Ltd.
#1050, 10201 Southport Road SW
Calgary, Alberta T2W 4X9

Fanny Wedro
109 Patton Place SW
Calgary, Alberta T2V 5E1

Leo Wedro
109 Patton Place SW
Calgary, Alberta T2V 5E1

Re: Those premises located in Banff, Alberta and municipally described as:

217 Otter Street
Banff, 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. Damaged floor materials in washroom
- b. Cracks and damage to ceilings and walls in several sleeping rooms and throughout the dwelling.
- c. No electrical plate covers on light switches or plug ins throughout home
- d. Electrical wire accessible with no protection.
- e. Edging is lifting in the raised platform of the toilet area.
- f. Mould on shower stall caulking.
- g. Tiles missing or broken under the kitchen sink.
- h. Damage to kitchen counter.
- i. Kitchen cupboard door is broken.
- j. No smoke alarms available throughout the building.
- k. Window in basement sleeping room is under the required 3.8 sq.ft. area to emergency egress.
- l. Window located in basement sleeping quarters is unable to be locked.
- m. Windows in several sleeping rooms are sealed closed so cannot be opened.
- n. Window for bathroom sealed closed so cannot be opened.
- o. No railing provided for rear deck landing.

- p. Railing for stairs leading down from rear deck landing to ground level is loose
- q. Front and rear awnings are unsecured and separating from the exterior wall.
- r. Weather stripping damaged along rear entrance door.
- s. Wood cover is used to cover the top of the rear toilet tank.

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 water damaged floor in the washroom and damage to wall and ceiling materials throughout the dwelling are in contravention of section: 5(c) of the standards which state "Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced".
- b. The uncovered and exposed electrical wiring throughout the dwelling are in contravention of section: 11 of the standards which state "Every housing premise 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".
- c. The lifting edging by the toilet area is in contravention of section: 5(c) of the standards which state "Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced".
- d. The mould present on the shower area is in contravention of section: 5(c) of the standards which state "Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced".
- e. The tiles broken under the kitchen sink and damage to the kitchen counter are in contravention section: 5(c) of the standards which state "Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced".
- f. The broken kitchen cupboard door is in contravention of section: 5(c) of the standards which state "Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced".
- g. The missing smoke alarms throughout the dwelling are in contravention of section: 12 of the standards which state "Smoke alarms within the dwelling 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".
- h. The window that is undersized in one of the basement sleeping rooms is in contravention of section: 3(b)(ii) of the standards which state "Windows referred to above shall provide unobstructed openings with areas not less than 0.35 meter squared (3.8 square feet), with no dimension less than 380 mm (15 inches)".

- i. The window in one of the basement sleeping rooms which cannot be locked is in contravention of section: 3(a) of the standards which state "Exterior windows and doors shall be capable of being secured".
- j. The sealed and unable to open widows located in several sleeping rooms are in contravention section: 3(b) of the standards which state "For buildings of 3 storey 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 window which may be opened from the inside without the use of tools or special knowledge".
- k. The sealed and unable to open widow in the bathroom is in contravention of section: 7(c) of the standards which state "All rooms containing a flush toilet and/or bathtub or shower shall be provided with natural or mechanical ventilation".
- l. The missing and loose railing located on the rear deck platform are in contravention of the Housing Regulation section: 5(2) "No person shall cause or permit any condition in housing premises that is or may become injurious or dangerous to the public health, including any condition that may hinder in any way the prevention or suppression of disease".
- m. The unsecured awnings located at the front and rear of the dwelling are in contravention of the Housing Regulation, section: 5(2) "No person shall cause or permit any condition in housing premises that is or may become injurious or dangerous to the public health, including any condition that may hinder in any way the prevention or suppression of disease".
- n. The damaged weather stripping at the rear entrance door is in contravention of section: 2(b)(i) of the standards which state "All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof".
- o. The wood covering the rear toilet tank in contravention of section: 6(a) of the standards which state "The plumbing system and sanitary drainage or private sewage disposal system, as the case may be, including fixtures, traps, vents, stacks, waste disposal facilities, pumpout sewage holding tanks, septic tanks ad the disposal system shall be maintained in proper operating condition".

AND WHEREAS, by virtue of the foregoing, the dwelling located at 217 Otter Street is 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 5:00 pm, on 30th day of May, 2007.

2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
- a. Replace and repair all damaged ceilings, walls and flooring or any other damaged material, in the premise.
 - b. Replace and repair any electrical switch, outlet or exposed wiring.
 - c. Provide a satisfactory report from a certified electrical inspector for all wiring throughout the premise.
 - d. Repair or replace edging of the base located by the washroom toilet area.
 - e. Replace and repair any mould or water damaged material in the washroom shower.
 - f. Replace and repair the damaged and missing tiles in the kitchen.
 - g. Replace and repair the damaged counter and cupboard and missing tiles in the kitchen.
 - h. Install all required smoke detectors to the premise.
 - i. Replace the undersized window in the sleeping room in the basement.
 - j. Install a working lock on the window for the sleeping room in the basement.
 - k. Repair or replace windows that cannot be opened in any sleeping room and washroom.
 - l. Repair and install the railings on the rear deck landing.
 - m. Repair and replace the awnings located at the front and rear of the premise.
 - n. Repair the weather stripping to the rear entrance door.
 - o. Replace the wood covering the rear toilet tank in the washroom with an appropriate cover.

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 Banff, Alberta, this 30th day of May, 2007 as per verbal order issued May 28th, 2007.

Norman Kruesel 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, 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
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