

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

**To:** Susanna Maria Chisan  
Susanna Maria Palinkas  
James Chisan  
James Wilson  
Brian Chisan  
  
51 Rundleson Way N.E.  
Calgary, Alberta T1Y 3H7

**And To:** All Occupants (the “**Occupants**”) of those premises located in Calgary, Alberta and municipally described as:  
  
2216 – 42 Street S.E.  
Calgary, Alberta

**Re:** Those premises located in Calgary, Alberta and municipally described as:  
  
2216 – 42 Street 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 gas supply to rental accommodation has been disconnected. The furnace does not supply heat and the hot water tank does not supply hot water;
- b. The roof is leaking even with the tarp that has been installed. Damp conditions and rotting/cracked ceiling gypsum board is growing mould and leaking water into the living room;
- c. There is no smoke detector on the ceiling of the hallway adjacent to the bedrooms;
- d. The toilet tank itself or the connections to the tank are leaking to the bathroom floor and rags wrapped around the tank are not resolving the leak;
- e. The tile floor in the bathroom has excessive cracking and no longer provides a water resistant floor covering for the bathroom floor area;

- f. The loose tile below the showerhead in the bathroom is loosening from the wall and has been repaired with “duct tape”.

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 gas supply to rental accommodation has been disconnected. The furnace does not supply heat and the hot water tank does not supply hot water;

**This is a breach of the “Minimum Housing and Health Standards”, specifically, Section 8(a) which states: “8. Heating Facilities – (a) All heating facilities within a housing premises are to be properly installed and maintained in good working condition, and be *capable* of safely and adequately heating all habitable rooms, bathrooms, and toilet rooms within the building to a temperature of;**

**a. at least 22<sup>0</sup>C (71<sup>0</sup>F), or**

- b. maintained at a temperature of at least 22<sup>0</sup>C (71<sup>0</sup>F) when control of the supplied heat in a dwelling is the responsibility of a person other than the occupant.**

**This is also 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 roof is leaking even with the tarp that has been installed. Damp conditions and rotting/cracked ceiling gypsum board is growing mould and leaking water into the living room;

**This is a breach of the “Minimum Housing and Health Standards”, specifically, Section 2(a) which states: “2. Windproof, waterproof, weatherproof condition – (a) Roof and exterior cladding – The roof and exterior cladding of walls shall be maintained in a waterproof, windproof and weatherproof condition.”**

**This is also 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.”**

**This is also a breach of the “Minimum Housing and Health Standards”, specifically, Section III(1)(C), which states: (III) Housing Premises – “The owner shall ensure that the housing premises is structurally sound, in a safe condition, in good repair, and maintained in a**

**waterproof, windproof and weatherproof condition. (1) Good repair, safe condition and structurally sound. (c) Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.”**

- c. There is no smoke detector on the ceiling of the hallway adjacent to the bedrooms;

**This is a breach of the “Minimum Housing and Health Standards”, specifically, Section 12, which states: “12. Smoke Alarms – Smoke Alarms within dwellings 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. (a) Smoke alarms shall be operational and in good repair at all times.”**

- d. The toilet tank itself or the connections to the tank are leaking to the bathroom floor and rags wrapped around the tank are not resolving the leak;

**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.”**

- e. The tile floor in the bathroom has excessive cracking and no longer provides a water resistant floor covering for the bathroom floor area;

**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. (a) 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.”**

- f. The loose tile below the showerhead in the bathroom is loosening from the wall and has been repaired with “duct tape”.

**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.”**

**This is also a breach of the “Minimum Housing and Health Standards”, specifically, Section III(1)(C), which states: (III) Housing Premises – “The owner shall ensure that the housing premises is structurally sound, in a safe condition, in good repair, and maintained in a waterproof, windproof and weatherproof condition. (1) Good repair, safe condition and structurally sound. (c) Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.”**

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 12:00 p.m. [noon], on Monday the 25 day of June, 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. The natural gas supply must be reconnected and/or turned back on and the gas fired appliances it serves must be operating adequately;
  - b. Repair the leak in the roof and, subsequently, any water damaged building materials within the ceiling/walls under the leaking roof must be cleaned/dried, repaired or replaced;
  - c. Install a smoke detector on the ceiling in the hallway adjacent to the bedrooms;
  - d. The toilet tank itself, the connections to the tank, the wax sealing ring or excessive moisture in the suite condensing onto the cold toilet tank needs to be repaired, augmented or otherwise resolved so water leaking to the bathroom floor and creating a condition of ongoing, persistent dampness is remediated;
  - e. Repair or replace the tile floor in the bathroom to provide a water resistant floor covering. The floor must be repaired to create a smooth, readily cleanable surface that is impervious to water and is sealed at the floor/wall joint throughout the bathroom area;
  - f. Repair the loose tiling below the showerhead in the bathroom in an acceptable and approved manner and not with "duct tape".
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 22<sup>nd</sup> day of June, 2007.

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Lew Skjonsby C.P.H.I.(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, 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**

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

[www.calgaryhealthregion.ca/envhealth](http://www.calgaryhealthregion.ca/envhealth)