

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

- To:** **John W. Schuiling**
#71, 3223 – 83 St NW
Calgary, Alberta [postal code]
(the “**Owner**”)
- And To:** All Occupants (the “**Occupants**”) of those premises located in Calgary, Alberta and municipally described as:

71, 3223 – 83 St NW
Calgary, Alberta
- Re:** Those premises located in Calgary, Alberta and municipally described as:

71, 3223 – 83 St NW
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 a large accumulation of waste, garbage, refuse and rotting material throughout the premises;
- b. The floor of the premises is rotted and collapsing in several areas.

AND WHEREAS such inspection disclosed that the following breaches of the Public Health Act and the Nuisance Regulation, Alberta Regulation 243/2003 exist in and about the above noted premises, namely:

- a. There is a large accumulation of waste, garbage, refuse and rotting material throughout the premises;
- b. The floor of the premises is rotted and collapsing in several areas.

These conditions are in breach of the Nuisance Regulation, Alberta Regulation 243/2003, Part 1, which states:

2(1) No person shall create, commit or maintain a nuisance.

(2) Without limiting the generality of subsection (1), a person who creates, commits or maintains

(a) any premises in a condition that

(e) any accumulation or deposit of offensive matter, waste or manure wherever situated, that

- (h) any building that, due to
- (i) its not being in a clean state,

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.

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 12:00 pm, on Friday, the 8th day of June, 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. Remove and properly dispose of all waste, garbage, refuse and rotting material contained within the premises and render the premises to a clean and sanitary condition;
 - b. Make such repairs as are necessary to render the floor of the premises sound and safe
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.
4. Dated at Calgary, Alberta, this 7th day of June, 2007.

Gary B. Butler
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

www.calgaryhealthregion.ca/envhealth