

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

- To:** **Ariff Lalani**
3383 Catalina Bv. NE
Calgary, Alberta T1Y 6T9
- And To:** All Occupants of those premises located in Calgary, Alberta and municipally described as:
- 879 Whitehill Way NE, Basement Suite
Calgary, Alberta
- Re:** Those premises located in Calgary, Alberta and municipally described as:
- 879 Whitehill Way NE, Basement Suite
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 two bedrooms on the north side of the suite have windows with openable areas which are too small (approximately 10 inches by 24 inches) to allow emergency egress. Further, these two windows exit to the exterior underneath a solid wood deck.
- b. The bedroom adjacent to the living room does not have a window.
- c. The carpet at the base of the stairway, next to the entrance to the two bedrooms on the north side of the suite is wet, with fungus growth (mushroom-like) on the surface of the carpet.
- d. The wall at the base of the stairway, next to the entrance to the two bedrooms on the north side of the suite is soft , indicating water damage.
- e. There is a leak in the plumbing system which allows ongoing damage to the walls and carpet in the basement suite.
- f. Mouse droppings were evident in the suite indicating an infestation.
- g. The door at the main entry to the premises is damaged and is not weatherproof.
- h. The elements in the oven of the electric stove are not functioning properly.
- i. Handrails are not provided on the stairway to the basement suite.

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 Health Standards exist in and about the above noted premises, namely:

- a. The two bedrooms on the north side of the suite have windows which are too small (approximately 10 inches by 24 inches) to allow emergency egress. Further, these two windows exit to the exterior underneath a solid wood deck, and the bedroom adjacent to the living room does not have a window. These two conditions are in violation of Section 3(b) which states: "For buildings of 3 stories 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. Windows referred to above shall provide unobstructed openings with areas not less than 0.35 m² (3.8 ft²), with no dimension less than 380mm (15 inches). If the window referred to 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 bedroom adjacent to the living room does not have a window. This is in violation of Section 3(b) which states: "For buildings of 3 stories 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. Windows referred to above shall provide unobstructed openings with areas not less than 0.35 m² (3.8 ft²), with no dimension less than 380mm (15 inches). If the window referred to 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."
- c. The carpet at the base of the stairway, next to the entrance to the two bedrooms on the north side of the suite is wet, with fungus growth (mushroom-like) on the surface of the carpet. This is in violation of Section 5 which states "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 Section 1(c) which states: "Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced."
- d. The wall at the base of the stairway, next to the entry to the two bedrooms on the north side of the suite is soft and has lost integrity indicating ongoing water damage. This is in violation of Section 5 which states "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."
- e. There is a leak in the plumbing system which allows ongoing damage to the walls and carpet in the basement suite. This is in violation of Section 6(c) which states: "All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside."
- f. Mouse droppings were evident in the suite indicating an infestation. This is in violation of Section 16 (a) which states: "The owner shall ensure that the housing premises are free of insect and rodent infestations."
- g. The door at the main entry to the premises is damaged and is not weatherproof. This is in violation of Section 2(b) (i) which states: "All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof."
- h. The elements in the oven of the electric stove are not functioning properly. This is in violation of Section 14 (a) (iv) which states " Every housing premises shall be

provided with a food preparation area which includes: a stove and refrigerator that are maintained in a safe and proper operating condition.”

- i. Handrails are not provided on the stairway to the basement suite. This is in violation of Section 3 (c) which states: “Inside or outside stairs or porches including all treads, risers, supporting structural members, rails, guards and balconies shall be maintained in good repair and shall comply with the requirements of the Alberta Building Code or a Professional Engineer design.”

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 **vacate the premises** no later than 12:00 noon, on Friday, the 31st day of August, 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. Replace or modify the two windows in the bedrooms on the north end of the basement suite so that they meet all the requirements of Section 3(b) of the Minimum Housing and Health Standards; and modify or remove the exterior wood deck structure so that emergency egress from the two windows is not impeded.
 - b. Install a window which meets the requirements of Section 3 (b) noted above in the bedroom adjacent to the living room; OR: do not allow this room to be used as a sleeping room.
 - c. Replace all damaged and or rotted flooring materials and coverings.
 - d. Repair and or replace all water damaged drywall and baseboard
 - e. Carry out repairs to the plumbing system to ensure that no leakage occurs.
 - f. Through the services of a licensed pest control operator, rid the premises of mice and seal all points of entry.
 - g. Repair damages to the entry door and ensure that it is weatherproof.
 - h. Repair the electric stove so that the oven elements work properly.
 - i. Install a handrail on the interior stairway to the basement suite.
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 15th day of August, 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
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Strathmore

Public Health Building
650 Westchester Road
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www.calgaryhealthregion.ca/envhealth