

## IN THE MATTER OF THE PUBLIC HEALTH ACT – ALBERTA

ORDER OF AN EXECUTIVE OFFICER

**To: Wasim Khan**  
107, 431 – 1 Ave NE  
Calgary AB T2E 0B3

**Mohsin Khan**  
1308, 1140 Taradale Dr NE  
Calgary AB T3J 0G1

**Amanpreet Sohi**  
301, 1820 – 17 St SW  
Calgary AB T2T 4M2

**And To:** All tenants of those premises located in Calgary, Alberta and municipally described as:

**Unit 301,  
1820 – 17 Street SW  
Calgary, Alberta**

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

**Unit 301,  
1820 – 17 Street SW  
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. Natural gas service to the property has been disconnected, resulting in no heat supply to the building.
- b. Natural gas service to the property has been disconnected, resulting in no hot water supply to the building.
- c. There are no operational lights in the common area hallways serving the second and third floors of the building. Several lights in the stairwells are also not operational.
- d. Several electrical outlet cover plates are missing throughout the suite.
- e. Several electrical outlets in the suite are not operational.
- f. When one electrical outlet in the bedroom is used, another electrical outlet in the living room becomes non-operational.
- g. The living room ceiling is water damaged, with mould growth.
- h. The bedroom window insect screen is damaged.
- i. The refrigerator appears to have been leaking- there are rust stains on the floor around the bottom as well as inside the refrigerator compartment.

- j. The kitchen sink faucet is dripping, and the faucet also leaks from around the base when tap is operated.
- k. The wall around the bedroom window is water damaged.

AND WHEREAS such inspection disclosed that the following breaches of the Minimum Housing and Health Standards under the Public Health Act and the Housing Regulation, Alberta Regulation 173/99, exist in and about the above noted premises, namely:

- a. Natural gas service to the property has been disconnected, resulting in no heat supply to the building. This is in contravention of Section 8(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 (i) at least 22 degrees Celsius (71 degrees Fahrenheit), or (ii) maintained at a temperature of at least 22 degrees Celsius (71 degrees Fahrenheit) when the control of the supplied heat in the dwelling is the responsibility of a person other than the occupant". This is also in contravention of Section 8(c): "Cooking appliances and portable space heaters shall not be used as the primary source for the required heat to a habitable room". This is also in contravention of Section 8 (d): "Every owner of a housing premises shall ensure a continuous supply of electricity, water and heat unless the rental agreement stipulates that such utility services are the sole responsibility of the occupant".
- b. Natural gas service to the property has been disconnected, resulting in no hot water supply to the building. This is in contravention of Section 9: "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"; and of Section 9(a): "All hot running water shall be maintained at a temperature of not less than 46 degrees Celsius (114 degrees Fahrenheit), and not more than 60 degrees Celsius (140 degrees Fahrenheit) measured at the plumbing fixture".
- c. There are no operational lights in the common area hallways serving the second and third floors of the building. Several lights in the stairwells are also not operational. This is in contravention of Section 13: "Every public hallway and stairway in a housing premises with multiple dwellings shall be adequately lighted by natural or artificial light at all times, providing in all parts thereof at least 50 lux of light at each tread or floor level.
- d. Several electrical outlet cover plates are missing throughout the suite. Several electrical outlets in the suite are not operational. When one electrical outlet in the bedroom is used, another electrical outlet in the living room becomes non-operational. Each of these conditions are in contravention of Section 11: "Every housing premises shall be supplied with electrical service. Outlets, switches and fixtures shall be properly maintained in a good and safe working condition".
- e. The living room ceiling is water damaged, with mould growth. This condition is in contravention of Section 5: "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 in contravention of Section 2 (a): The roof and exterior cladding of walls shall be maintained in a waterproof, windproof, and weatherproof condition. This is in also in contravention of Section 1 (c): "Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced". This condition is also in contravention of the Housing Regulation, Section 5(2): "No person shall cause or permit any condition in housing premises that is or mayu become injurious or dangerous to the public health, including any condition that may hinder in any way the prevention or suppression of disease".

- f. The bedroom window insect screen is damaged. This is in contravention of Section 2(b)(iii): "During the portion of the year when there is a need for protection against flies and other flying insects , every window or other device intended for ventilation shall be supplied with effective screens".
- g. The refrigerator appears to have been leaking- there are rust stains on the floor around the bottom as well as inside the refrigerator compartment. This is in contravention of Section 14(a)(iv): "Every housing premises shall be provided with a food preparation area, which includes a stove and a refrigerator that are maintained in a safe and proper operating condition".
- h. The kitchen sink faucet is dripping, and the faucet also leaks from around the base when tap is operated. This is in contravention of Section 6(c): "All plumbing fixtures shall be serviceable, free from leaks, trapped, and vented to the outside".
- i. The wall around the bedroom window is water damaged. This condition is in contravention of Section 5: "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 WHEREAS, by virtue of the foregoing, the above noted premises are hereby declared to be  
**CLOSED FOR TENANT ACCOMODATION PURPOSES;**

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

1. That tenants inhabiting the above noted premises be **vacated** no later than 12:00 pm (noon) on Friday, the 6<sup>th</sup> day of June, 2008.
2. That, if the above noted premises are to be reoccupied by the public, the Owner(s) immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
  - a. Have the natural gas supply to the building reconnected.
  - b. Ensure heat and hot running water are supplied as per the requirements of the Minimum Housing and Health Standards listed above.
  - c. Provide adequate lighting throughout all common hallways and stairways in the building.

- d. Replace all missing electrical outlet covers.
  - e. Ensure all electrical outlets are in good and safe working order.
  - f. Repair all areas on the roof allowing water to enter the suite.
  - g. Remove all water damaged and/or mouldy ceiling materials. Have the opened up, cleaned ceiling area inspected and approved by an executive officer of the Calgary Health Region prior to closing up and replacing the ceiling finish.
  - h. Repair or replace the bedroom window insect screen.
  - i. Repair the refrigerator so that it does not leak, or replace the refrigerator.
  - j. Repair or replace the kitchen sink faucet so that it does not leak from any point.
  - k. Remove all water damaged and mouldy materials from the bedroom wall and repair the area.
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 30<sup>th</sup> day of May, 2008.

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Karen Clarke, 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, 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  
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**Claresholm**

Claresholm Public Health  
5221 2<sup>nd</sup> Street W  
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Claresholm, AB T0L 0T0  
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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  
Strathmore, AB T1P 1H8  
Phone: 403-361-7200  
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[www.calgaryhealthregion.ca/envhealth](http://www.calgaryhealthregion.ca/envhealth)