

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

- To:** Michael Takacs
1605 – 12 Avenue SW
Calgary, Alberta T3C 0Y3
- And To:** All Occupants of those premises located in Calgary, Alberta and municipally described as:
- Suite B
1605 – 12 Avenue SW
Calgary, Alberta T3C 0Y3
- Re:** Those premises located in Calgary, Alberta and municipally described as:
- Suite B
1605 – 12 Avenue SW
Calgary, Alberta T3C 0Y3

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 no toilet installed in the suite.
- b. The toilet has been removed, leaving a hole open to the sewer line in the bathroom.
- c. Occupants are defecating into and around the hole in the floor where the toilet has been removed.
- d. The bathtub is unusable due to an accumulation of human feces inside it.
- e. There is human feces in the bathtub, on the bathroom floor, and sprayed on walls and other bathroom surfaces.
- f. Surfaces throughout the suite are filthy and there is likely human feces tracked around the suite.
- g. There is no working smoke alarm installed in the suite.
- h. There is no hot running water supplied to the suite.
- i. The front exterior balcony is in serious disrepair, with the railing falling down in places.
- j. There is a water leak from under the kitchen sink.
- k. Kitchen sink faucet lacks a 'spout', causing water to spray out in all directions when the tap is turned on.
- l. There is no glass at all in the bottom portion of the bathroom window, leaving no

- protection from the elements.
- m. There are bags of garbage stored on the front exterior balcony.
- n. There is a bare wood edge on the kitchen counter.
- o. The kitchen cupboards are in disrepair with damaged and missing doors.
- p. The bathroom floor is in disrepair with damaged areas and exposed bare wood.
- q. The kitchen floor is in disrepair with missing tiles and lifted areas.
- r. There are 2 elements missing from the stove.
- s. The stove is in a filthy condition.
- t. There is a large hole in the wall next to the suite entry door.
- u. The ceiling over the stairs has a damaged area with missing plaster.
- v. The exterior siding is damaged below the back bedroom window.

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. There is no toilet installed in the suite. This is in contravention of Section 7 of the Minimum Housing and Health Standards.
- b. The toilet has been removed, leaving a hole open to the sewer line in the bathroom. This is in contravention of Section 6(a) of the Minimum Housing and Health Standards.
- c. Occupants are defecating into and around the hole in the floor where the toilet has been removed. This is in contravention of Section 5(2) of the Housing Regulation.
- d. The bathtub is unusable due to an accumulation of human feces inside it. This is in contravention of Section 7 of the Minimum Housing and Health Standards.
- e. There is human feces in the bathtub, on the bathroom floor, and sprayed on walls and other bathroom surfaces. This is in contravention of Section 5(2) of the Housing Regulation.
- f. Surfaces throughout the suite are filthy and there is likely human feces tracked around the suite. This is in contravention of Section 5(2) of the Housing Regulation.
- g. There is no working smoke alarm installed in the suite. This is in contravention of Sections 12 and 12(a) of the Minimum Housing and Health Standards.
- h. There is no hot running water supplied to the suite. This is in contravention of Sections 7 (a), 9, 9(a), and 14 (a) (i) of the Minimum Housing and Health Standards.
- i. The front exterior balcony is in serious disrepair, with the railing falling down in places. This is in contravention of Section 3 (c) the Minimum Housing and Health Standards
- j. There is a water leak from under the kitchen sink. This is in contravention of Section

6 (c) of the Minimum Housing and Health Standards.

- k. Kitchen sink faucet lacks a 'spout', causing water to spray out in all directions when the tap is turned on. This is in contravention of Section 6 (c) of the Minimum Housing and Health Standards.
- l. There is no glass at all in the bottom portion of the bathroom window, leaving no protection from the elements. This is in contravention of Sections 2(b) (i) and 2(b) (ii) of the Minimum Housing and Health Standards.
- m. There are bags of garbage stored on the front exterior balcony. This is in contravention of Section 5(2) of the Housing Regulation.
- n. There is a bare wood edge on the kitchen counter. This is in contravention of Section 14 (a) (iii) of the Minimum Housing and Health Standards.
- o. The kitchen cupboards are in disrepair with damaged and missing doors. This is in contravention of Section 14 (a) (ii) of the Minimum Housing and Health Standards.
- p. The bathroom floor is in disrepair with damaged areas and exposed bare wood. This is in contravention of Sections 5 and 5 (a) of the Minimum Housing and Health Standards.
- q. The kitchen floor is in disrepair with missing tiles and lifted areas. This is in contravention of Sections 5 and 5 (b) of the Minimum Housing and Health Standards.
- r. There are 2 elements missing from the stove. This is in contravention of Section 14 (a) (iv) of the Minimum Housing and Health Standards.
- s. The stove is in a filthy condition. This is in contravention of Section 5(2) of the Housing Regulation.
- t. There is a large hole in the wall next to the suite entry door. This is in contravention of Section 5 of the Minimum Housing and Health Standards.
- u. The ceiling over the stairs has a damaged area with missing plaster. This is in contravention of Section 5 of the Minimum Housing and Health Standards.
- v. The exterior siding is damaged below the back bedroom window. This is in contravention of Section 2 (a) of the Minimum Housing and Health Standards.

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 12:01 pm, on Thursday, the 13th day of November, 2008.

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. Install a functioning toilet.
 - b. Thoroughly clean and sanitize all bathroom surfaces and fixtures.
 - c. Thoroughly clean and sanitize all floors, walls, doors, and kitchen fixtures and appliances throughout the suite.
 - d. Install a working smoke alarm.
 - e. Supply hot running water to the suite.
 - f. Repair the front exterior balcony railing.
 - g. Repair the water leak under the kitchen sink.
 - h. Repair or replace the faucet at the kitchen sink so that water does not spray out in all directions.
 - i. Replace the glass in the bathroom window so that it is weatherproof.
 - j. Remove the bags of garbage from the front exterior balcony.
 - k. Repair the kitchen cupboards.
 - l. Repair the kitchen counter so that it is easy to clean and non-absorbent to moisture.
 - m. Repair the bathroom floor and re-finish it so that it is smooth, easy to clean, and non-absorbent to moisture.
 - n. Repair the kitchen floor and re-finish it so that it is even, smooth, easy to clean, and non-absorbent to moisture.
 - o. Replace the stove elements and ensure the stove is in proper and safe working order.
 - p. Repair the hole in the wall next to the suite entry door.
 - q. Repair the damaged ceiling over the stairs.
 - r. Repair the siding below the back bedroom window.

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 Calgary Alberta, this 13th day of November, 2008. This is in confirmation of the verbal orders issued to owner Michael Takacs and tenant Mary Anne Wolaski on the 12th day of November, 2008.

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, 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, *Southport*
10101 Southport Rd SW
Calgary, AB T2W 3N2
Phone: 403-943-2295
Fax: 403-943-8056

Canmore

Canmore Public Health
#104, 800 Railway Avenue
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Phone: 403-678-5656
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Claresholm

Claresholm Public Health
5221 2nd Street W
PO Box 1391
Claresholm, AB T0L 0T0
Phone: 403-625-4061
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Didsbury

Didsbury Health Unit
PO Box 130
1210 -20th Avenue
Didsbury, AB T0M 0W0
Phone: 403-335-7292
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Okotoks

Okotoks Public Health Centre
11 Cimarron Commons
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Strathmore

Public Health Building
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www.calgaryhealthregion.ca/envhealth