

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

- To:** Rino Friio
618 Meredith Rd NE
Calgary, Alberta T2E 5A8
- And To:** All Occupants of those premises located in Calgary, Alberta and municipally described as:

1455 Robson Cr SE
Calgary, Alberta
- Re:** Those premises located in Calgary, Alberta and municipally described as:

1455 Robson Cr SE
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 substantial water leak into the basement from the toilet above. Water is continually running over the beams and pooling on the basement floor.
- b. The furnace lacks a cover.
- c. The power to the furnace has been shut off. ATCO confirmed that the motor has seized, rendering the furnace non-operational.
- d. Space heaters and the oven are the sole sources of heat to the house.
- e. There is mould growth along an indent in the back door to the house.
- f. There is mould growth on the wall next to the front door.
- g. There is mould growth and water damaged materials on the back wall inside the kitchen cupboard, under the sink.
- h. There is mould growth running up the wall in the corner of the back upstairs bedroom. The mould growth is particularly thick near the floor.
- i. There is mould growth running up the wall in the corner of the front bedroom.
- j. The walls at the corners of bedroom windows are water damaged, with peeling paint and mould growth.
- k. There is thick mould growth on the bathroom ceiling.
- l. There is a leak from the water line to the toilet in the upstairs bathroom.
- m. The wall and floor behind the toilet in the upstairs bathroom is severely water damaged, rotting, with mould growth.
- n. There is no smoke alarm installed to serve the upstairs bedrooms.

- o. There is a water leak under the kitchen sink.
- p. There is an old stove and clothes dryer sitting in the front yard.
- q. The southeast bedroom door is damaged and falling apart.
- r. Guardrail is loose above the stairs between the entryway and upper floor.

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 a substantial water leak into the basement from the toilet above. Water is continually running over the beams and pooling on the basement floor. This is in contravention of Section 5(2) of the Housing Regulation.
- b. The furnace lacks a cover. This is in contravention of Section 5(2) of the Housing Regulation.
- c. The power to the furnace has been shut off. ATCO confirmed that the motor has seized, rendering the furnace non-operational. This is in contravention of Sections 8(a) and 8(d) of the Minimum Housing and Health Standards.
- d. Space heaters and the oven are the sole sources of heat to the house. This is in contravention of Section 8(c) of the Minimum Housing and Health Standards.
- e. There is mould growth along an indent in the back door to the house. This is in contravention of Section 5(2) of the Housing Regulation.
- f. There is mould growth on the wall next to the front door. This is in contravention of Section 5(2) of the Housing Regulation.
- g. There is mould growth and water damaged materials on the back wall inside the kitchen cupboard, under the sink. This is in contravention of Section 5(2) of the Housing Regulation and of Section 5 and 5(a) of the Minimum Housing and Health Standards.
- h. There is mould growing up the wall in the corner of the back bedroom. The mould growth is particularly thick next to the floor. This is in contravention of Section 5(2) of the Housing Regulation.
- i. There is mould growing up the wall in the corner of the front bedroom. This is in contravention of Section 5(2) of the Housing Regulation.
- j. The walls at the corners of bedroom windows are water damaged, with peeling paint and mould growth. This is in contravention of Section 5(2) of the Housing Regulation and of Section 5 of the Minimum Housing and Health Standards.
- k. There is thick mould growth on the bathroom ceiling. This is in contravention of Section 5(2) of the Housing Regulation.
- l. There is a leak from the water line to the toilet in the upstairs bathroom. This is in

- contravention of Sections 6(a) and 6(c) of the Minimum Housing and Health Standards.
- m. The wall and floor behind the toilet in the upstairs is severely water damaged, rotting, and growing mould. This is in contravention of Section 5(2) of the Housing Regulation and of Sections 1(c), 5, and 5(a) of the Minimum Housing and Health Standards.
 - n. There is no smoke alarm installed to serve the upstairs bedrooms. This is in contravention of Sections 12 and 12(a) of the Minimum Housing and Health Standards.
 - o. There is a water leak under the kitchen sink. This is in contravention of Sections 6(a) and 6(c) of the Minimum Housing and Health Standards.
 - p. There is an old stove and clothes dryer sitting in the front yard. This is in contravention of Section 5(2) of the Housing Regulation.
 - q. The southeast bedroom door is damaged and falling apart. This is in contravention of Section 5(2) of the Housing Regulation.
 - r. Guardrail is loose above the stairs between the entryway and upper floor. This is in contravention of Section 3(c) 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 8:00 am, on Monday, the 19th day of January, 2009.

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. Repair or replace the toilet so that it does not leak.
 - b. Repair or replace the furnace so that it operates properly and meets the requirements of Section 8 of the Minimum Housing and Health Standards. Provide written verification that the furnace is operating properly and safely from a qualified contractor or ATCO.
 - c. Cut out all mouldy, water damaged, and/or rotten wall, ceiling and floor materials, and all mouldy and/or water damaged materials found beneath. Before closing up/repairing these areas, you must arrange a reinspection by an Executive Officer of Alberta Health Services- Calgary Health Region and receive approval from her or him to proceed.
 - d. Wash the mould off the back door.
 - e. Install a working smoke alarm in the hallway serving the upstairs bedrooms.
 - f. Repair the water leak under the kitchen sink.
 - g. Remove all old appliances from the yard.
 - h. Repair or replace the bedroom door.
 - i. Repair or replace the stair guardrail so that it is secure.
 - j. Remove the pooled water from the basement, and clean and dry all basement surfaces affected by the water leak from above.
 - k. Identify and correct any and all potential sources of moisture contributing to the mould growth in the house.

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 15th day of January, 2009. This is in confirmation of the verbal order given to Rino Friio on the 9th day of January, 2009.

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: 403-943-2288
Fax: 403-943-8056

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 Box 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: 403-361-7200
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www.calgaryhealthregion.ca/envhealth