

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

To: Marjorie Schneider
P.O. Box 690
Vulcan, Alberta T0L 2B0
(the “**Owner**”)

And To: Christopher Dinsdale
P.O. Box 1262
Claresholm, Alberta T0L 2B0
(the “**Occupant**”)

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

130 – 47th Avenue West
Claresholm, Alberta

WHEREAS I, an **Executive Officer** of **Alberta Health Services**, 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. Wooden shingles used to cover roof are deteriorated and missing in areas;
- b. There are openings in the roof due to disrepair of roofing shingles;
- c. There is a hole in the roof around the sewer vent stack allowing pigeons to enter the attic space;
- d. Wooden fascia is water damaged;
- e. Exterior asphalt shingle wall cladding is damaged and missing in areas exposing the wood behind it;
- f. Exterior cladding around the east bedroom window is missing exposing crevices around the window casing and fibreglass insulation filling this crevice;
- g. Wooden components of the west kitchen exterior window are water damaged and rotted;
- h. A glass pane in the east kitchen exterior window is broken;
- i. A glass pane in the east living room exterior window is broken;
- j. There are no fly screens on windows that open for ventilation;
- k. Wooden stairs leading to attic door are rotted and sagging;
- l. A portion of the interior drywall of the southwest living room has holes smashed through it;
- m. The wall behind the sink of the southwest kitchen is damaged exposing the wall cavity;
- n. Some floor tiles in the west bathroom are missing exposing the wooden subfloor;
- o. Drywall in the west bedroom has holes smashed in it;

- p. Holes have been cut through the ceiling of the northwest bedroom to accommodate venting for a marihuana grow operation in this room;
- q. Carpet in northwest bedroom is water damaged and heavily soiled due to a marihuana grow operation in this room;
- r. Materials composing the closet in the northwest bedroom are water damaged and mouldy due to a marihuana grow operation inside of it;
- s. There is a large hole in the ceiling of the northeast bedroom and water damage of the remaining ceiling material around the hole is evident;
- t. A large portion of the drywall of the north wall of the northeast bedroom is missing exposing the wooden studs and wall cavity;
- u. The carpeting in the east bedroom is water damaged and heavily soiled due to a marihuana grow operation in this room;
- v. Large portion of drywall in the east bedroom is missing exposing wooden studs and fibreglass insulation;
- w. Portions of the wall behind the sink in the furnace/laundry room show evidence of water damage;
- x. The wall of the east bathroom entry shows evidence of water condensation and water damage;
- y. There is a large hole in the wall of the east bathroom exposing the wall cavity, wooden studs and plumbing inside the wall;
- z. Caulking that seals the crevices around the east bathroom tub and tub surround has deteriorated;
- aa. Portions of the drywall paper in the east bathroom has torn away;
- bb. There are holes smashed through the drywall of the southeast living room;
- cc. There are holes smashed through the drywall of the main hallway;
- dd. Carpeting in the main hallway is torn and badly damaged with duct tape being used to cover the torn and damaged areas;
- ee. There is no natural or mechanical ventilation in the east and west bathrooms;
- ff. There is no hot water;
- gg. There is no electrical power supply;
- hh. Many electrical outlets and switches in rooms do not have cover plates;
- ii. The 200 Amp electrical outlet for the clothes dryer is hanging from the wall by it's electrical wires;
- jj. Ceiling light fixture in main hallway is hanging by the fixture's electrical wires;
- kk. The battery powered smoke alarms in the main hallway are in disrepair and do not have batteries;
- ll. Pigeons are inhabiting the attic space;
- mm. Large accumulation of pigeon faeces in the attic;
- nn. Mattresses stored in attic are water damaged and contaminated with pigeon faeces;
- oo. There is rotting/mouldy food in refrigerators located in the east and west kitchens;
- pp. Large accumulation of refuse and other soiled articles on floors of rooms and hallway, on kitchen counters and in kitchen sinks;
- qq. Carpet in hallway and entryways, surfaces of hard floor coverings in kitchens, hallway, furnace/laundry room, southeast and south west living rooms, surfaces of walls in all rooms, kitchen cupboards, counter tops, sinks and refrigerators are in an unclean condition.

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. Wooden shingles used to cover roof are deteriorated and missing in areas; which is in contravention of Section 2 (a) of the Minimum Housing and Health Standards;
- b. There are openings in the roof due to disrepair of roofing shingles; which is in contravention of Section 2 (a) of the Minimum Housing and Health Standards;
- c. There is a hole in the roof around the sewer vent stack allowing pigeons to enter the attic space; which is in contravention of Section 2 (a) of the Minimum Housing and Health Standards;
- d. Wooden fascia is water damaged; which is in contravention of Section 1 (c) of the Minimum Housing and Health Standards;
- e. Exterior asphalt shingle wall cladding is damaged and missing in areas exposing the wood behind it; which is in contravention of Section 2 (a) of the Minimum Housing and Health Standards;
- f. Exterior cladding around the east bedroom window is missing exposing crevices around the window casing and fibreglass insulation filling this crevice; which is in contravention of Section 2 (a) of the Minimum Housing and Health Standards;
- g. Wooden components of the west kitchen exterior window are water damaged and rotted; which is in contravention of Section 2 (b) (i) of the Minimum Housing and Health Standards;
- h. A glass pane in the east kitchen exterior window is broken; which is in contravention of Section 2 (b) (i) of the Minimum Housing and Health Standards;
- i. A glass pane in the east living room exterior window is broken; which is in contravention of Section 2 (b) (i) of the Minimum Housing and Health Standards;
- j. There are no fly screens on windows that open for ventilation; which is in contravention of Section 2 (b) (iii) of the Minimum Housing and Health Standards;
- k. Wooden stairs leading to attic door are rotted and sagging; which is in contravention of Section 3 (c) of the Minimum Housing and Health Standards;
- l. A portion of the interior drywall of the southwest living room has holes smashed through it; which is in contravention of Section 5 of the Minimum Housing and Health Standards;
- m. The wall behind the sink of the southwest kitchen is damaged exposing the wall cavity; which is in contravention of Section 5 of the Minimum Housing and Health Standards;
- n. Some floor tiles in the west bathroom are missing exposing the wooden subfloor; which is in contravention of Section 5 (a) of the Minimum Housing and Health Standards;
- o. Drywall in the west bedroom has holes smashed in it; which is in contravention of Section 5 of the Minimum Housing and Health Standards;
- p. Holes have been cut through the ceiling of the northwest bedroom to accommodate venting for a marihuana grow operation in this room; which is in contravention of Section 5 of the Minimum Housing and Health Standards;
- q. Carpet in northwest bedroom is water damaged and heavily soiled due to a marihuana grow operation in this room; which is in contravention of Section 5 of the Minimum Housing and Health Standards;
- r. Materials composing the closet in the northwest bedroom are water damaged and mouldy due to a marihuana grow operation inside of it; which is in contravention of

- Section 5 of the Minimum Housing and Health Standards;
- s. There is a large hole in the ceiling of the northeast bedroom and water damage of the remaining ceiling material around the hole is evident; which is in contravention of Section 5 of the Minimum Housing and Health Standards;
 - t. A large portion of the drywall of the north wall of the northeast bedroom is missing exposing the wooden studs and wall cavity; which is in contravention of Section 5 of the Minimum Housing and Health Standards;
 - u. The carpeting in the east bedroom is water damaged and heavily soiled due to a marihuana grow operation in this room; which is in contravention of Section 5 of the Minimum Housing and Health Standards;
 - v. Large portion of drywall in the east bedroom is missing exposing wooden studs and fibreglass insulation; which is in contravention of Section 5 of the Minimum Housing and Health Standards;
 - w. Portions of the wall behind the sink in the furnace/laundry room show evidence of water damage; which is in contravention of Section 5 of the Minimum Housing and Health Standards;
 - x. The wall of the east bathroom entry shows evidence of water condensation and water damage; which is in contravention of Section 5 of the Minimum Housing and Health Standards;
 - y. There is a large hole in the wall of the east bathroom exposing the wall cavity, wooden studs and plumbing inside the wall; which is in contravention of Section 5 (a) of the Minimum Housing and Health Standards;
 - z. Caulking that seals the crevices around the east bathroom tub and tub surround has deteriorated; which is in contravention of Section 5 (a) of the Minimum Housing and Health Standards;
 - aa. Portions of the drywall paper in the east bathroom has torn away; which is in contravention of Section 5 (a) of the Minimum Housing and Health Standards;
 - bb. There are holes smashed through the drywall of the southeast living room; which is in contravention of Section 5 of the Minimum Housing and Health Standards;
 - cc. There are holes smashed through the drywall of the main hallway; which is in contravention of Section 5 of the Minimum Housing and Health Standards;
 - dd. Carpeting in the main hallway is torn and badly damaged with duct tape being used to cover the torn and damaged areas; which is in contravention of Section 5 of the Minimum Housing and Health Standards;
 - ee. There is no natural or mechanical ventilation in the east and west bathrooms; which is in contravention of Section 7 (c) of the Minimum Housing and Health Standards;
 - ff. There is no hot water; which is in contravention of Section 9 (a) of the Minimum Housing and Health Standards;
 - gg. There is no electrical power supply; which is in contravention of Section 8 (d) of the Minimum Housing and Health Standards;
 - hh. Many electrical outlets and switches in rooms do not have cover plates; which is in contravention of Section 11 of the Minimum Housing and Health Standards;
 - ii. The 200 Amp electrical outlet for the clothes dryer is hanging from the wall by it's electrical wires; which is in contravention of Section 11 of the Minimum Housing and Health Standards;
 - jj. Ceiling light fixture in main hallway is hanging by the fixture's electrical wires; which is in contravention of Section 11 of the Minimum Housing and Health Standards;
 - kk. The battery powered smoke alarms in the main hallway are in disrepair and do not have batteries; which is in contravention of Section 12 of the Minimum Housing and

- Health Standards;
- ll. Pigeons are inhabiting the attic space; which is in contravention of Section 5 (2) of the Housing Regulation (AR 173/99);
 - mm. Large accumulation of pigeon faeces in the attic; which is in contravention of Section 5 (2) of the Housing Regulation (AR 173/99);
 - nn. Mattresses stored in attic are water damaged and contaminated with pigeon faeces; which is in contravention of Section 5 (2) of the Housing Regulation (AR 173/99);
 - oo. There is rotting/mouldy food in refrigerators located in the east and west kitchens; which is in contravention of Section 5 (2) of the Housing Regulation (AR 173/99);
 - pp. Large accumulation of refuse and other soiled articles on floors of rooms and hallway, on kitchen counters and in kitchen sinks; which is in contravention of Section 5 (2) of the Housing Regulation (AR 173/99);
 - qq. Carpet in hallway and entryways, surfaces of hard floor coverings in kitchens, hallway, furnace/laundry room, southeast and south west living rooms, surfaces of walls in all rooms, kitchen cupboards, counter tops, sinks and refrigerators are in an unclean condition; which is in contravention of Section 5 (2) of the Housing Regulation (AR 173/99).

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 5:00 PM, on Tuesday, the 9th day of June, 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. Install a new roof covering and seal crevices around vent pipes/chimneys passing through the roof;
 - b. Repair the facial board;
 - c. Repair damaged and missing portions of exterior cladding on exterior walls and around exterior windows;
 - d. Repair the damaged wooden components of the west kitchen exterior window or replace this window with a new one;
 - e. Repair the broken glass pane of the east kitchen exterior window;
 - f. Repair the broken glass pane of the east living room exterior window;
 - g. Install fly screens on all windows that are capable of opening for ventilation;
 - h. Replace the exterior wooden stairs leading to the attic door or remove these stairs;
 - i. Repair the interior walls of the southwest living room;
 - j. Repair the walls in the west kitchen;
 - k. Repair the floor tiles in the west bathroom;
 - l. Repair the walls in the west bedroom;
 - m. Repair the ceiling in the northwest bedroom;
 - n. Remove carpet in northwest bedroom, clean and disinfect all surfaces in this room and install a new floor covering;
 - o. Replace water damaged and mouldy materials in the northwest bedroom closet and clean and disinfect all remaining surfaces of this closet;
 - p. Repair the ceiling in the northeast bedroom;
 - q. Repair the walls in the northeast bedroom;
 - r. Remove carpet in east bedroom, clean and disinfect all surfaces in this room and install a new floor covering;
 - s. Repair the walls in the east bedroom;
 - t. Repair the walls in the furnace/laundry room;
 - u. Repair the walls in the east bathroom entry;
 - v. Repair the walls in the east bathroom;
 - w. Recaulk the crevices around the east bathroom tub and tub surround;
 - x. Repair the walls in the southeast living room;
 - y. Repair the walls in the main hallway;
 - z. Remove damaged carpeting in the main hallway and install a new floor covering;
 - aa. Install mechanical ventilation, venting outdoors, in the east and west bathrooms;
 - bb. Ensure provision of hot water;
 - cc. Ensure provision of electrical power;
 - dd. Install cover plates on electrical outlets and switches;
 - ee. Repair the 200 Amp electrical outlet in the east furnace/laundry room;
 - ff. Repair the damaged ceiling light fixture in the main hallway;
 - gg. Replace both main hallway smoke alarms with new ones and ensure they operate;
 - hh. Ensure pigeons are removed from the attic and not permitted to re-enter;
 - ii. Remove the accumulations of pigeon faeces in the attic and clean and disinfect surfaces in the attic that have come into contact with this faeces;
 - jj. Remove and dispose of the mattresses stored in the attic;
 - kk. Remove rotting and mouldy food stored in the refrigerators of the east and west kitchen;

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Re: Those premises located in Claresholm, Alberta and municipally described as 130 – 47th Avenue West, Claresholm, Alberta

- ll. Remove from the premises all refuse and articles that are not intended to remain for the purposes of re-renting this premises;
 - mm. Clean all finished interior surfaces of the premises including walls, floors, cupboards, shelving, remaining appliances, remaining articles and plumbing fixtures.
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 Alberta Health Services, the above noted premises shall remain vacant and secured from unauthorized entry.

Dated at Claresholm, Alberta, this 19th day of June, 2009, confirming a verbal order of June 9th, 2009.

Richard Steeves
Executive Officer
Alberta Health Services

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 Alberta Health Services 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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