

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

To: **Natividad B. Candaza**
#6 Evergreen Terrace S.W.
Calgary, Alberta T2Y 2V8
(the “Owner”)

And

Amelia Dela Torre
#6 Evergreen Terrace S.W.
Calgary, Alberta T2Y 2V8

And To: All Occupants (the “**Occupants**”) of those premises located in Calgary, Alberta and municipally described as:

22 Abergale Close N.E.
Calgary, Alberta T2A 6J1

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

22 Abergale Close N.E.
Calgary, Alberta T2A 6J1

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. There is an extensive mouse infestation that is migrating to the neighbours.
- b. The natural gas supply was turned off and the tenants received a disconnect notice for power due to non-payment of bills.
- c. Windows are broken and covered over with sheets of oriented strand board.
- d. Garbage, rotting food and damaged personal possessions litter the house.
- e. A water damaged base shelf under the kitchen sink is rotten and mouldy.

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- f. Plumbing is leaking under the kitchen sink.
- g. Flooring is unsatisfactory throughout the rental accommodation due to disrepair.
- h. Stair nosing & flooring on stairs is cracked and damaged.
- i. There is no banister on the stairway descending to the basement.
- j. Overnight accommodation is occurring in the basement without adequate emergency egress windows or any egress at all.
- k. Electrical junctions are not covered and switch or outlet cover plates are damaged or missing.

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. The mouse infestation is a contravention of Section 16(a) of the Minimum Housing and Health Standards.
- b. The lack of gas service means there is no heat to the property and this is in contravention of Section 8 of the Minimum Housing and Health Standards.
- c. The broken/cracked windows are a contravention of Section 2(b) of the Minimum Housing and Health Standards.
- d. The garbage, rotting food and the clutter of broken articles is a nuisance that provides harbourage, nesting materials and food to mice. This is a contravention of Section 15 & 16 of the Minimum Housing and Health Standards.
- e. The base shelf under the kitchen sink is water damaged and mouldy. This is a contravention of Section 1(a) & (c) of the Minimum Housing and Health Standards.
- f. The leak that caused the damage under the kitchen sink is a contravention of Section 6(a) & (c) of the Minimum Housing and Health Standards.
- g. The flooring is uneven, is missing tiles and has new tiles installed over old tile that does not extend to the wall. This is a contravention of Section 5 of the Minimum Housing and Health Standards.
- h. Stair nosing & flooring is cracked and damaged. This is a contravention of Section 5 of the Minimum Housing and Health Standards.
- i. There is no banister on the stairway descending to the basement. This is a contravention of Section 3(c) of the Minimum Housing and Health Standards.

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- j. Overnight accommodation is occurring in the basement without adequate emergency egress windows or any egress at all. This is a contravention of Section 3(b) of the Minimum Housing and Health Standards.
- k. Electrical junctions are not covered and the switch and/or outlet cover plates are damaged or missing. This is a contravention of Section 11 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. The above noted premises be **vacated by 12:00 noon December 15, 2010** and remain vacant until the Executive Officer's Order is rescinded.
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. Hire the services of pest control company to eradicate the mouse infestation and block/seal entry, or direct the blocking and sealing, of entry points to eliminate mice entering the rental accommodation.
 - b. Reinstate gas and electricity supplies to the residents and have the furnace serviced and inspected.
 - c. Repair or replace windows that are broken, missing or covered with wood to meet standards - double glazing (i.e. four windows) with locks and screens.
 - d. Remove and dispose of garbage, refuse & damaged or abandoned furniture or articles within the rental accommodation.
 - e. Replace the base shelf under the kitchen sink with new materials and paint or clad the wood shelf with materials that are impervious and cleanable.
 - f. Repair any plumbing leaks or sources of water leaking from the kitchen sink.
 - g. The flooring must be removed and replaced to provide a smooth, cleanable surface wherever tiles are missing or improperly installed.
 - h. The nosing and floor coverings on the stairs descending to the basement must be repaired or replaced to provide a smooth, cleanable surface free of tripping hazards from uneven or insecure floor coverings.
 - i. A banister must be installed on the descending staircase to the basement.
 - j. The basement windows must be of sufficient size and types of design to allow emergency egress and serve each basement bed/sleeping area.

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- k. All electrical outlets, switches or junction boxes must have covers or cover plates to eliminate accidental shock or electrocution.
 - l. A re-inspection is required when the house is vacant to further assess the rental accommodation for contraventions and/or required repairs.
- 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 Calgary, Alberta, this 3rd day of December, 2010.

Lew Skjonsby, CPHI(C)
Executive Officer, Public Health Inspector
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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604 Main Street South
Airdrie, AB T4B 3K7
Phone: 403-912-8400
Fax: 403-912-8410

Banff
Banff Health Centre
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Phone: 403-762-2990
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Calgary/Mountain View/Rocky View
Alberta Health Services, *Southport*
10101 Southport Rd SW
Calgary, AB T2W 3N2
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Canmore
Canmore Public Health
#104, 800 Railway Avenue
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Claresholm
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www.calgaryhealthregion.ca/envhealth