

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

To: 1279645 Alberta Inc.
c/o 1200, 1015 4 Street SW
Calgary, Alberta T2R 1J4
(the “Owner”)

Mark L Hoffinger, Sole Director
c/o 1200, 1015 4 Street SW
Calgary, Alberta T2R 1J4
(the “Owner”)

Ehsan Ali
507 17 Avenue SW
Calgary, Alberta T2S 0A9
(the “Owner”)

Salauddin Choudhury
507 17 Avenue SW
Calgary, Alberta T2S 0A9
(the “Owner”)

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

507 17 Avenue SW
Calgary, Alberta

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

507 17 Avenue SW
Calgary, 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:

Common Area:

- a. No smoke detector located in common hallway.
- b. Main entry door is not locked.
- c. Major roof leak that has affected ceiling and suspect walls and floor.
- d. Ceiling is in a state of disrepair from water damage.

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- e. Suspect wall and floor damage from the extent of water infiltration.
- f. Exterior wood stairs are rotten and dangerous.
- g. Exterior stairwell lighting is not working.
- h. Interior hallway has light bulbs burned out and dark.
- i. Main entry door is not weatherproof.
- j. Due to age of building it is suspected that asbestos is present.

Unit 1:

- a. Existing smoke detector is not operational.
- b. No smoke detector between sleeping rooms located off living room.
- c. Middle bedroom window is sealed with paper and tape, window opening measures 10.5 x 24 inches.
- d. North bedroom windows that open both measure 15.5x13.5 inches.
- e. There are missing and damaged switch plates and outlet covers throughout unit.
- f. Refrigerator is connected to a long extension cord into pantry.
- g. Major roof leak that has affected ceiling and suspect walls and floor.
- h. Floors in kitchen, hall, bathroom, and pantry are in state of disrepair from major roof leak. Suspect sub-floor damage from the extent of water infiltration.
- i. Walls and ceiling in kitchen, hall, bathroom, and pantry are in a state of disrepair with holes, water damage, and crumbling plaster.
- j. Bathroom tub surround has mouldy and damaged caulking.
- k. Insufficient heat to suite. Occupants are using space heater and do not have control of heat supply.
- l. Pantry has open sewer pipe.
- m. Mould observed in areas of water damage from roof leak.
- n. Bathroom sink faucet is dripping.
- o. Due to age of building it is suspected that asbestos is present in the plaster and it has been disturbed.

Unit 2:

- a. No smoke detector located living room which is being used for sleeping.
- b. Openable living room windows both measure 15.5 x 13.5 inches, which are used for sleeping.
- c. Bedroom windows in both bedrooms do not have locks.
- d. East bedroom window is jammed shut.
- e. South bedroom window is single pane and not weatherproof.
- f. Both bedroom windows and kitchen window do not have insect screens.
- g. Major roof leak that has affected ceiling and suspect walls and floor.
- h. Walls and ceiling in south bedroom and bathroom are in a state of disrepair with holes, water damage, removed and crumbling plaster from major roof leak.
- i. Bathroom window casement is rotten wood from water damage.
- j. Floors in bathroom and south bedroom are in state of disrepair from water damage.
- k. Kitchen P-trap is leaking into cabinet.
- l. Mould observed in areas of water infiltration; south bedroom, bathroom and kitchen cabinet.
- m. Bathtub surround is in poor condition and not cleanable. Tiles are stained and caulking is mouldy and in disrepair.
- n. Due to age of building it is suspected that asbestos is present in the plaster and it has been disturbed.

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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:

Common Area:

- a. No smoke detector located in common hallway. This is a contravention of Section 12, in the Minimum Housing and Health Standards.
- b. Main entry door is not locked. This is a contravention of Section 3(a), in the Minimum Housing and Health Standards.
- c. Major roof leak that has affected ceiling and suspect walls and floor. This is a contravention of Section 1, 2(a) and 5, in the Minimum Housing and Health Standards.
- d. Ceiling is in a state of disrepair from water damage. This is a contravention of Section 1, 2(a) and 5, in the Minimum Housing and Health Standards.
- e. Suspect wall and floor damage from the extent of water infiltration. This is a contravention of Section 1, 2(a) and 5, in the Minimum Housing and Health Standards.
- f. Exterior wood stairs are rotten and dangerous. This is a contravention of Section 3(c), in the Minimum Housing and Health Standards.
- g. Exterior stairwell lighting is not working. This is a contravention of Section 13, in the Minimum Housing and Health Standards.
- h. Interior hallway has light bulbs burned out and dark. This is a contravention of Section 13, in the Minimum Housing and Health Standards.
- i. Main entry door is not weatherproof. This is a contravention of Section 2(b), in the Minimum Housing and Health Standards.
- j. Due to age of building it is suspected that asbestos is present in the plaster and it has been disturbed. This is a contravention of Section 5(2), of the Alberta Housing Regulation.

Unit 1:

- a. Existing smoke detector is not operational. This is a contravention of Section 12, in the Minimum Housing and Health Standards.
- b. No smoke detector between sleeping rooms located off living room. This is a contravention of Section 12, in the Minimum Housing and Health Standards.
- c. Middle bedroom window is sealed with paper and tape, window opening measures 10.5 x 24 inches. This is a contravention of Section 3(b), in the Minimum Housing and Health Standards.
- d. North bedroom windows that open both measure 15.5x13.5 inches. This is a contravention of Section 3(b), in the Minimum Housing and Health Standards.
- e. There are missing and damaged switch plates and outlet covers throughout unit. This is a contravention of Section 11, in the Minimum Housing and Health Standards.
- f. Refrigerator is connected to a long extension cord into pantry, which is a tripping hazard. This is a contravention of Sections 3(1)(a) and 5(2), of the Alberta Housing Regulation.
- g. Major roof leak that has affected ceiling and suspect walls and floor. This is a contravention of Section 1, 2(a) and 5, in the Minimum Housing and Health Standards.

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- h. Floors in kitchen, hall, bathroom, and pantry are in state of disrepair from major roof leak. Suspect sub-floor damage from the extent of water infiltration. This is a contravention of Sections 3(1)(a) and 5(2), of the Alberta Housing Regulation, and Sections 1 and 2(a), of the Minimum Housing and Health Standards.
- i. Walls and ceiling in kitchen, hall, bathroom, and pantry are in a state of disrepair with holes, water damage, and crumbling plaster. This is a contravention of Sections 3(1)(a) and 5(2), of the Alberta Housing Regulation, Sections 1 and 2(a) of the Minimum Housing and Health Standards.
- j. Bathroom tub surround has mouldy and damaged caulking. This is a contravention of Section 3(1)(a)(iii), of the Alberta Housing Regulation.
- k. Insufficient heat to suite. Occupants are using space heater and do not have control of heat supply. This is a contravention of Section 8, of the Minimum Housing and Health Standards.
- l. Pantry has open sewer pipe. This is a contravention of Section 6, of the Minimum Housing and Health Standards.
- m. Mould observed in areas of water damage from roof leak. This is a contravention of Sections 1,2 and 5, of the Minimum Housing and Health Standards.
- n. Bathroom sink faucet is dripping. This is a contravention of Section 6, of the Minimum Housing and Health Standards.
- o. Due to age of building it is suspected that asbestos is present in the plaster and it has been disturbed. This is a contravention of Section 5(2), of the Alberta Housing Regulation.

Unit 2:

- a. No smoke detector located living room which is being used for sleeping. This is a contravention of Section 12, in the Minimum Housing and Health Standards.
- b. Openable living room windows both measure 15.5 x 13.5 inches, which are used for sleeping. This is a contravention of Section 3(b), in the Minimum Housing and Health Standards.
- c. Bedroom windows in both bedrooms do not have locks. This is a contravention of Section 3(a), in the Minimum Housing and Health Standards.
- d. East bedroom window is jammed shut. This is a contravention of Section 3(b), in the Minimum Housing and Health Standards.
- e. South bedroom window is single pane and not weatherproof. This is a contravention of Section 2(b), in the Minimum Housing and Health Standards.
- f. Both bedroom windows and kitchen window do not have insect screens. This is a contravention of Section 2(b), in the Minimum Housing and Health Standards.
- g. Major roof leak that has affected ceiling and suspect walls and floor. This is a contravention of Section 1, 2(a) and 5, in the Minimum Housing and Health Standards.
- h. Walls and ceiling in south bedroom and bathroom are in a state of disrepair with holes, water damage, removed and crumbling plaster from major roof leak. This is a contravention of Sections 1 and 2, in the Minimum Housing and Health Standards.
- i. Bathroom window casement is rotten wood from water damage. This is a contravention of Sections 1 and 2, in the Minimum Housing and Health Standards.
- j. Floors in bathroom and south bedroom are in state of disrepair from water damage. This is a contravention of Sections 1 and 2, in the Minimum Housing and Health Standards.
- k. Kitchen P-trap is leaking into cabinet. This is a contravention of Section 6, in the Minimum Housing and Health Standards.

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- l. Mould observed in areas of water infiltration; south bedroom, bathroom and kitchen cabinet. This is a contravention of Section 5(2), in the Alberta Housing Regulation.
- m. Bathtub surround is in poor condition and not cleanable. This is a contravention of Sections 1 and 5, of the Minimum Housing and Health Standards, and Section 5(2) in the Alberta Housing Regulation.
- n. Tiles are stained and caulking is mouldy and in disrepair. This is a contravention of Sections 1 and 5, in the Minimum Housing and Health Standards, and Section 5(2) in the Alberta Housing Regulation.
- o. Due to age of building it is suspected that asbestos is present in the plaster and it has been disturbed. This is a contravention of Section 5(2), of the Alberta Housing Regulation.

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 October 15, 2010** and remain vacant until the Executive Officer's Order is rescinded.
2. That the Owner undertake and diligently pursue the completion of the following work in and about the above noted premises **by 12:00 noon of October 8, 2010**, namely:
 - a. Immediately install operational smoke detector(s) in common hallway, in living rooms of both suites 1 and 2.
 - b. Immediately repair or replace existing smoke detector in suite 1.
 - c. Immediately repair, replace or adjust the temperature of the furnace so that the temperature in the suites is able to be maintained at 22 degrees Celsius or higher at all times, without the use of a space heater.
3. 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. Retain the services of a restoration and mould remediation specialist, approved by Alberta Health Services, to remove and replace or clean, as required, any and all drywall, building materials, and finishing materials, or any other item that is or may be water damaged, infested with or damaged by mould or bacteria. (Reference should be made to Mould Guidelines for the Canadian Construction Industry located at www.cca-acc.com/mould/.)
 - b. Asbestos testing of the plaster and any disturbed building materials is required to determine or rule out the content of asbestos. A copy of the asbestos testing results is required to be submitted to this office.
 - c. Repair or replace the exterior stair treads leading up to the main entry door, as

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- directed under the Alberta Building Code.
- d. Properly repair the entire surface of the roof. Copies of receipts are required.
 - e. Ensure that general renovation work, including painting, reinstallation of drywall and laying of new flooring and/or sub flooring is completed to the satisfaction of Alberta Health Services.
 - f. Repair all electrical fixtures, outlets and switches. Exterior lighting for the stairs must be in working condition. All work must be completed by a licensed electrician. Copies of receipts and permits are required.
 - g. Repair or replace interior hall lighting, to meet all requirements of Section 13 of the Minimum Housing and Health Standards.
 - h. Modify or replace the existing bedroom windows so they meet all requirements of Section 3(b), of the Minimum Housing and Health Standards.
 - i. If living room of suite 2 is to be used as a sleeping room, ensure the windows must meet all requirements of Section 3(b), of the Minimum Housing and Health Standards.
 - j. Ensure all openable windows are fitted with a locking mechanism.
 - k. Ensure all openable windows have tight fitting insect screens.
 - l. Repair or replace bathroom window casing in suite 2.
 - m. All windows must be weather-proof, where in winter months must protect against cold weather with a storm sash, double glazing or other durable thermal/air resistant barrier.
 - n. Ensure main entry door is lockable.
 - o. Main entry door must have weather-stripping to prevent the entry of cold weather and be a barrier to vermin.
 - p. Repair all interior damaged walls.
 - q. Repair or replace all damaged flooring.
 - r. Cap exposed sewer drain in pantry of suite 1, and repair leaking P-trap in suite 2, kitchen. All work must be completed by a licensed plumber. Copies of receipts are required.
 - s. In suite 1, position the refrigerator near an electrical outlet in the kitchen without the use of an extension cord or have an electrician install an outlet closer to the refrigerator.
 - t. Repair or replace the bathtub surrounds of suites 1 and 2, to render them easy to clean and impervious to moisture.
 - u. Repair or replace the bathroom sink faucet in suite 1.
- 4.** That, until such time as the work referred to in paragraph 2 and 3 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.

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Dated at Calgary, Alberta, this 05th day of October, 2010. Verbal order issued on September 29, 2010 during a phone conversation with Eshan Ali, on September 30, 2010 during a voicemail message to Mark Hoffinger, and on September 30, 2010 during a phone conversation with Lawrence Lee.

Heather A Langemann, 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.

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

Alberta Health Services, *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
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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
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1210 -20th Avenue
Didsbury, AB T0M 0W0
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Okotoks

Okotoks Public Health Centre
11 Cimarron Commons
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Strathmore

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www.calgaryhealthregion.ca/envhealth