

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

To: 414553 Alberta Ltd.
201, 1812 – 4 Street SW
Calgary, Alberta T2S 1W1

Rosemeena Asaria
119 Deerlane Road SE
Calgary, Alberta T2J 5S9

Tajshabir Esmail
Box 81054, 755 Lake Bonavista Drive SE
Calgary, Alberta T2J 0N3

David Goldenberg
2034 – 33 Street SW
Calgary, Alberta T3E 2S8

David Goldenberg
105, 3912 Stanley Road SW
Calgary, Alberta T2S 2P3

David Goldenberg
16 Vardell Place NW
Calgary, Alberta T3A 0B8

David Goldenberg
1306 – 36 Street SE
Calgary, Alberta T2A 1C3

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

Upstairs Suite
1306 – 36 Street SE
Calgary AB

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

Upstairs Suite
1306 – 36 Street SE
Calgary AB

ORDER OF AN EXECUTIVE OFFICER

Re: Those premises located in Calgary, Alberta and municipally described as **Upstairs Suite, 1306 – 36 Street SE**

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. The walls and ceiling in the front entryway are water stained and damaged. Although the ceiling drywall was recently replaced in this area, new water stains are already appearing through it.
- b. There are high moisture levels measured in the damaged front entryway wall.
- c. There is a leak from the roof, causing the water damage and staining in the front entryway.
- d. There are missing electrical outlet covers throughout.
- e. There are no locks on the bedroom windows.
- f. The lock on the bathroom window is not operational.
- g. The bathroom window has one pane that is not secure in its track; the whole pane pops out when the window is opened.
- h. Insect screens are missing from the front (small) bedroom window, the bathroom window, and both kitchen windows.
- i. There is no hand sink installed in the bathroom.
- j. There is mould growth and water damage to the bathroom wall and floor, where the vanity has been removed.
- k. There is mould growth and water damage to the bathroom wall around the bathtub, where the plastic bathtub surround has been removed.
- l. Several areas of bathroom walls have bare drywall, are not resistant to moisture, and cannot be easily cleaned.
- m. There exposed electrical wires from the master bedroom ceiling, where the light fixture has been removed.
- n. Many mouse droppings observed, including inside the bathroom plumbing access panel and inside kitchen cupboards.

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 walls and ceiling in the front entryway are water stained and damaged. Although the ceiling drywall was recently replaced in this area, new water stains are already appearing through it. This is in contravention of the Minimum Housing and Health Standards, Section 5 and 1(c).
- b. There are high moisture levels measured in the damaged front entryway wall. This is in contravention of the Housing Regulation, Section 5(2).
- c. There is a leak from the roof, causing the water damage and staining in the front entryway. This is in contravention of the Minimum Housing and Health Standards, Section 2(a)
- d. There are missing electrical outlet covers throughout. This is in contravention of the Minimum Housing and Health Standards, Section 11.
- e. There are no locks on the bedroom windows. This is in contravention of the Minimum Housing and Health Standards, Section 3(a).
- f. The lock on the bathroom window is not operational. This is in contravention of the

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- Minimum Housing and Health Standards, Section 3(a).
- g. The bathroom window has one pane that is not secure in its track; the whole pane pops out when the window is opened. This is in contravention of the Minimum Housing and Health Standards, Section 3(a).
 - h. Insect screens are missing from the front (small) bedroom window, the bathroom window, and both kitchen windows. This is in contravention of the Minimum Housing and Health Standards, Section 2(b) (iii).
 - i. There is no hand sink installed in the bathroom. This is in contravention of the Minimum Housing and Health Standards, Section 7.
 - j. There is mould growth and water damage to the bathroom wall and floor, where the vanity has been removed. This is in contravention of the Minimum Housing and Health Standards, Sections 1(c) and 5 (a).
 - k. There is mould growth and water damage to the bathroom wall around the bathtub, where the plastic bathtub surround has been removed. This is in contravention of the Minimum Housing and Health Standards, Sections 1(c) and 5 (a).
 - l. Several areas of bathroom walls have bare drywall, are not resistant to moisture, and cannot be easily cleaned. This is in contravention of the Minimum Housing and Health Standards, Section 5 (a).
 - m. There are exposed electrical wires from the master bedroom ceiling, where the light fixture has been removed. This is in contravention of the Minimum Housing and Health Standards, Section 11.
 - n. Many mouse droppings observed, including inside the bathroom plumbing access panel and inside kitchen cupboards. This is in contravention of the Minimum Housing and Health Standards, Section 16(a).

AND WHEREAS, by virtue of the foregoing, the above noted premises are hereby declared to be **closed for tenant accommodation purposes**;

NOW THEREFORE, I hereby **ORDER** and **DIRECT**:

1. That tenants inhabiting the above noted premises be **vacated** no later than 11:00 am, on Monday, the 22nd day of March, 2010.
2. That, if the above noted premises are to be reoccupied by the public, 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 building roof so that it is weatherproof and does not leak. Provide written documentation from the roofing contractor, detailing all work done, to this office.
 - b. Cut out all water damaged, stained, and /or mouldy areas of the ceilings and walls in the front entry and in the bathroom. Remove any mouldy materials found inside the walls and ceilings. Do not close up these areas until a reinspection is done and approval to proceed is granted by an Executive Officer of Alberta Health Services.
 - c. Replace the bathroom wall coverings so that they are smooth, non-absorbent to moisture, and easy to clean.
 - d. Replace the covers on all electrical outlets.
 - e. Install operational locks on all openable windows. Note that locks on bedroom windows must comply with the Minimum Housing and Health Standards, Section

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- 3(b).
- f. Install insect screens in all openable windows.
 - g. Repair or replace the bathroom window so that it is secure in its track but can still be opened to provide ventilation.
 - h. Install a working hand sink in the bathroom, supplied with hot and cold running water.
 - i. Remove or cover the exposed wires in the master bedroom ceiling.
 - j. Rid the premises of mice, utilizing the services of a professional pest control company. Provide written documentation from your pest control contractor, detailing all work done, to this office.
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 **closed for tenant accommodation purposes**.

Dated at Calgary, Alberta, this 10th day of March, 2010. This confirms the verbal order issued to David Goldenberg on March 2, 2010.

Karen Clarke, CPHI(C)
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.

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
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
Fax: 403-361-7244