

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

**To:** Frank McGowan  
2608 38 Street NE  
Calgary, Alberta T1Y 3K1

Layle Thompson  
2608 38 Street NE  
Calgary, Alberta T1Y 3K1

**And To:** All Occupants of those premises located in Calgary, Alberta and municipally described as:

36 Lynndale Road SE, Basement Suite  
Calgary, Alberta

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

36 Lynndale Road SE, Basement Suite  
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:

- a. Raw sewage is covering the floor and lower portion of the walls throughout the entire unit due to a back-up originating from the laundry room.
- b. There is an overwhelming odour of raw sewage, decaying materials and garbage throughout the unit.
- c. The window in the bedroom has fixed security bars
- d. The openable portion of the bedroom window does not meet emergency egress requirements.
- e. There is no running hot water coming from the faucets.
- f. The furnace and hot water heater have been flooded by sewage and are not in working order.
- g. Mould is covering the lower portions of the wall surfaces throughout the unit.
- h. Flooring materials in the suite have been immersed in sewage and are decaying.
- i. There are no smoke alarms.
- j. Garbage and debris are scattered throughout the unit
- k. An abundance of fruit flies are evident in kitchen.

AND WHEREAS such inspection disclosed that the following breaches of the Public Health Act and the Housing Regulation, Alberta Regulation 173/99, and the Minimum Housing and Health Standards exist in and about the above noted premises, namely:

- a. Raw sewage is covering the floor and lower portion of the walls throughout the entire unit due to a back-up originating from the laundry room. This is in contravention of Section 5(2) of the Housing Regulation.
- b. There is an overwhelming odour of raw sewage, decaying materials, and garbage throughout the unit. This is in contravention of the Section 5(2) of the Housing Regulation.
- c. The window in the bedroom has fixed security bars. This is in contravention of Section 3 (b)(ii) of the Minimum Housing and Health Standards.
- d. The openable portion of the bedroom window does not meet emergency egress requirements, contravening Section 3 (b)(i) of the Minimum Housing and Health Standards.
- e. There is no running hot water coming from faucets. This is in violation of Sections 7(a), 9 and 14(a)(i) of the Minimum Housing and Health Standards.
- f. The furnace and hot water heater have been flooded by sewage and are not in working order. This is in violation of Section 8(a) of the Minimum Housing and Health Standards.
- g. Mould is covering the lower portions of the wall surface throughout the unit contravening Section 5(2) of the Housing Regulation.
- h. Flooring materials in the suite have been immersed in sewage and are decaying. This contravenes Sections 5 and 1(c) of the Minimum Housing and Health Standards.
- i. There are no smoke alarms, contravening Section 12 of the Minimum Housing and Health Standards.
- j. Garbage and debris are scattered throughout the unit. This is in contravention of Section 5(2) of the Housing Regulation.
- k. An abundance of fruit flies are evident in kitchen, contravening Section 16(a) of 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 immediately.
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. Identify and repair source of sewage back-up.

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- b. Dispose of any absorbent items contaminated by the sewage.
  - c. Cut out any water damaged and/or mouldy portions of the wall, ceiling and floor and replace with new materials. Ensure that inspection of suite is arranged with Executive Officer prior to replacing drywall to confirm that sub-structure is sound and properly repaired.
  - d. Clean and sanitize the entire unit, including all floors, walls, counters, cupboards and ceilings.
  - e. Existing bars on bedroom window must be removed and can only be replaced with ones that have a quick release mechanism
  - f. Replace existing bedroom windows with windows that meet the requirements of the Minimum Housing and Health Standards.
  - g. Ensure furnace and hot water heater are repaired or replaced by a qualified technician and ensure they are in proper working order. Must be able to provide required heat and hot water to dwelling.
  - h. Install working smoke alarms in all required locations.
  - i. Ensure source of fruit flies is eliminated.
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 31st day of August, 2010.

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Kara MacKay  
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, 24<sup>th</sup> 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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**Airdrie**  
Airdrie Public Health Centre  
604 Main Street South  
Airdrie, AB T4B 3K7

**Banff**  
Banff Health Centre  
303 Lynx Street  
PO Box 1266

**Calgary/Mountain View/Rocky View**  
Alberta Health Services, Southport  
10101 Southport Rd SW  
Calgary, AB T2W 3N2

**Canmore**  
Canmore Public Health  
#104, 800 Railway Avenue  
Canmore, AB T1W 1P1

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Phone: 403-912-8400  
Fax: 403-912-8410

Banff, AB T1L 1B3  
Phone: 403-762-2990  
Fax: 403-762-5570

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

Phone: 403-678-5656  
Fax: 403-678-5068

**Claresholm**

Claresholm Public Health  
5221 2<sup>nd</sup> 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

[www.calgaryhealthregion.ca/envhealth](http://www.calgaryhealthregion.ca/envhealth)

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