

IN THE MATTER OF THE PUBLIC HEALTH ACT – ALBERTA

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, Main Floor Suite
Calgary, Alberta

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

36 Lynndale Road SE, Main Floor 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. The front and back outside door frames are in severe disrepair.
- b. The front door lock is not in proper working order.
- c. There is no running hot water available to the suite.
- d. There is no heat available to the suite.
- e. A large amount of mould can be seen on the ceiling and the walls in the washroom and the caulking surrounding the tub is mouldy.
- f. The surface of the ceiling, walls and cupboards in the washroom are in disrepair. Paint on all surfaces is peeling, there are holes in the walls and wall tiles are missing throughout the washroom.
- g. The window in the washroom cannot be opened and there is no fan to remove excess moisture from the room.
- h. The tub spigot is pulling away from the wall.
- i. Water is backing up through the laundry room drain and the tenants are running a hose from the washing machine into the back yard.
- j. There is a very large hole in the wall of the hallway outside of the bedrooms.
- k. Openable windows in laundry area have no screens.
- l. There is a tear in the NW bedroom screen.

- m. No smoke detectors are present in unit.
- n. Tiles in hallway outside of bedrooms are cracked.
- o. Counters in kitchen have unfinished, raw wood edges.
- p. Three of the burners on the stove are not in working order.
- q. Some electrical outlets in suite have no covers.

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 front and back outside door frames are in severe disrepair, contravening Section 2(b)(i) of the Minimum Housing and Health Standards.
- b. The front door lock is not in proper working order, contravening Section 3(a) of the Minimum Housing and Health Standards.
- c. There is no running hot water available to the suite. This is in violation of Sections 7(a), 9 and 14(a)(i) of the Minimum Housing and Health Standards.
- d. There is no heat available to the suite, contravening Section 8(a) of the Minimum Housing and Health Standards.
- e. A large amount of mould can be seen on the ceiling and walls in the washroom and the caulking around the tub is mouldy, contravening Section 5(2) of the Housing Regulation.
- f. The surface of the ceiling, walls and cupboards in the washroom are in disrepair. Paint on all surfaces is peeling, there are holes in the walls and wall tiles are missing throughout the washroom. This is in contravention of Section 5(a) of the Minimum Housing and Health Standards.
- g. The window in the washroom cannot be opened and there is no fan to remove excess moisture from the room contravening Section 7(c) of the Minimum Housing and Health Standards.
- h. The tub spigot is pulling away from the wall, contravening Section 5(a) of the Minimum Housing and Health Standards.
- i. Water is backing up through the laundry room drain and the tenants are running a hose from the washing machine into the back yard. This is in violation of Section 6(a) of the Minimum Housing and Health Standards.
- j. There is a very large hole in the wall of the hallway outside of the bedrooms contravening Section 5 of the Minimum Housing and Health Standards.
- k. Openable windows in laundry area have no screens, contravening Section 2(b)(iii) of the Minimum Housing and Health Standards.
- l. There is a tear in the NW bedroom screen. This is in contravention of Section 2(b)(iii) of the Minimum Housing and Health Standards.
- m. There are no smoke detectors present in unit contravening Section 12 of the Minimum Housing and Health Standards.
- n. Tiles in hallway outside of bedrooms are cracked, contravening Section 5 of the Minimum Housing and Health Standards.
- o. Counters in kitchen have unfinished, raw wood edges which contravenes Section 14(a)(iii) of the Minimum Housing and Health Standards.
- p. Three of the burners on the stove are not in working order contravening Section 14(a)(iv) of the Minimum Housing and Health Standards.
- q. Some electrical outlets in suite have no covers, contravening 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. That the above noted premises be vacated no later than 12:00pm on Wednesday, the 15th day of September, 2010.
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. Repair and/or replace the front and back exterior doors and frames.
 - b. Replace the lock on the front door.
 - c. Ensure there is a adequate supply of hot water and heat available to the suite.
 - d. Remove damaged wallboard in the bathroom. Repair any leaks behind wall and around the bathtub. Request an inspection by an executive officer of the water damaged area in the bathroom, while walls are open, to assure the support sub-structure is adequately cleaned and mould removed.
 - e. The leak to the bathroom ceiling must be repaired and damaged ceiling materials removed and replaced. The water damaged ceiling area must also be left open for inspection after removal of water damaged ceiling materials in to assure the support sub-structure is adequately cleaned and mould is removed.
 - f. Ensure that the window in the bathroom is capable of opening or install a fan which can provide mechanical ventilation.
 - g. Repair tub spigot and ensure it is fixed to shower wall to prevent water from entering space behind wall.
 - h. Repair drain in laundry room.
 - i. Repair wall in bedroom hallway.
 - j. Install screens in laundry room openable windows and repair or replace screen in NW bedroom window.
 - k. Install working smoke alarms in all required locations.
 - l. Replace cracked tile in bedroom hallway.
 - m. Repair kitchen counter tops.
 - n. Replace or repair stove to ensure it is in proper working condition.
 - o. Install covers on all electrical outlets.
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 7th day of September, 2010. This confirms a verbal order issued on September 3rd, 2010 given to Frank McGowan and Layle Thompson.

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, 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
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Fax: 403-912-8410

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303 Lynx Street
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Calgary/Mountain View/Rocky View
Alberta Health Services, *Southport*
10101 Southport Rd SW
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Canmore
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#104, 800 Railway Avenue
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Claresholm
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www.calgaryhealthregion.ca/envhealth