

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

To: Faye Lysak
104A, 5601 Dalton Drive NW
Calgary, Alberta T3A 2E2
(the “**Owner**”)

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

104A, 5601 Dalton Drive NW
Calgary, Alberta T3A 2E2

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

104A, 5601 Dalton Drive NW
Calgary, Alberta T3A 2E2

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. Mould growth and conditions that support mould growth are evident within the premise.
- b. Extensive leak from the water pipe in the bathroom causes the entire carpet in the unit to be saturated with moisture.
- c. The unit is humid and the temperature is suitable for mould growth. Ceilings throughout unit have heavy mould growth.
- d. Structural and interior damages are evident in the premises, including:
 - The bathroom ceiling above the bathtub is wide open with water damaged ceiling parts in the bathtub and on the floor of the bathroom.
 - The floor and the walls throughout unit are saturated with moisture.
- e. The bathroom hand sink and the kitchen hand sink are plugged with standing water in the sink. Fecal matter and dirt is accumulated on the floor of the bathroom and of the kitchen.

AND WHEREAS such inspection disclosed that the following breaches of the Public Health Act and the Nuisance and General Sanitation Regulation, Alberta Regulation 243/03 exist in and about the above noted premises, namely:

- a. Mould growth and conditions that support mould growth are evident within the

premise. Extensive leak from the water pipe in the bathroom causes the entire carpet in the unit to be saturated with moisture. The unit is humid and the temperature is suitable for mould growth. Ceilings throughout unit have heavy mould growth. This is a breach of Section 2(1) of the Nuisance and General Sanitation Regulation.

- b. Structural and interior damages are evident in the premises, including:
 - The bathroom ceiling above the bathtub is wide open with water damaged ceiling parts in the bathtub and on the floor of the bathroom.
 - The floor and the walls throughout unit are saturated with moisture.This is a breach of Section 2(1) of the Nuisance and General Sanitation Regulation.
- c. The bathroom hand sink and the kitchen hand sink are plugged with standing water in the sink. Fecal matter and dirt is accumulated on the floor of the bathroom and of the kitchen. This is a breach of Section 2(1) of the Nuisance and General Sanitation 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. That the above noted premises be vacated immediately.
2. That all damaged materials that may rot or decay be removed from the premises and properly disposed of by a qualified remediation company before August 20, 2011.
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 an **Environmental Health or Indoor Air Quality Consultant** to:
 - (i) assess the conditions within the above noted premises including the carrying out of environmental air quality analyses of the interior spaces (including the attic, wall and floor cavities, and crawlspaces) for water and mould damage; and
 - (ii) prepare for review by Alberta Health Services a detailed assessment report and scope of work plan, including a hazardous materials audit and management plan.

Testing and reporting must include extensive intrusive and destructive testing and must include inspection and assessment of hidden cavities and surfaces

such as, but not limited to, cutting access holes (or using boroscopes) into walls and ceilings, lifting carpets or vinyl sheet flooring, removing wallpaper for investigation purposes. The consultant's report shall describe, amongst other things, the building construction, finishes, materials and components and the results of their investigations along with recommendations for restoration, repair, and the remediation as required for reoccupation of the unit. ***The Consultant shall have current, active membership in a related professional organization or certifying.***

NOTE – THE AGE OF THIS PROPERTY MAKES THE PRESENCE OF ASBESTOS WITHIN BUILDING MATERIALS LIKELY. ALL PRECAUTIONS MUST BE TAKEN. PROPER REMOVAL/HANDLING FOLLOWING CURRENT CODES AND STANDARDS IS REQUIRED AND A WRITTEN ASBESTOS MANAGEMENT/ABATEMENT PLAN IS REQUIRED WHICH WILL INCLUDE CONFIRMATION OF ACCEPTANCE FROM ALBERTA OCCUPATIONAL HEALTH & SAFETY (OH&S) AND POST-ABATEMENT AIR SAMPLING FOR ASBESTOS.

- b. Retain the services of a restoration and mould remediation specialist 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 or otherwise contaminated with fecal matters or other substances of concern, all in accordance with the direction required at item 3.a, above. (Reference should be made to Mould Guidelines for the Canadian Construction Industry located at www.cca-acc.com/mould/.) ***It is recommended that the cleaning and restoration work be carried out by a member in good standing of the Institute of Inspection, Cleaning and Restoration or an equivalent professional body.***
- **All water damaged and mouldy paneling, drywall, vapour barrier, insulation throughout the unit, including ceilings and rim board areas, shall be removed and disposed of.**
 - **All flooring materials throughout the premises shall be properly removed and disposed of and the sub floor assessed for suitability after thorough cleaning.**
- c. 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.
- d. Ensure that additional, general renovation work, including painting, reinstallation of drywall and laying of new flooring and/or sub floors does not occur until suitable air sample results are received and submitted and the work identified at items 3.a and 3.b has been completed to the satisfaction of Alberta Health Services.

- e. Provide detailed remediation and repair reports from all restoration companies, consultants, and contractors detailing works done.

4. 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**.

5. The above conditions were noted at the time of inspection and may not necessarily reflect all deficiencies. You are advised that further repairs may be required to ensure full compliance of the Nuisance and General Sanitation Regulation, or to prevent a Public Health Nuisance.

Dated at Calgary, Alberta, this 8th day of July, 2011.

Luke Lee
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

Didsbury
Didsbury Health Unit
PO Box 130
1210 -20th Avenue
Didsbury, AB T0M 0W0
Phone: 403-335-7292

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

ORDER OF AN EXECUTIVE OFFICER

Re: Those premises located in Calgary, Alberta and municipally described as 104A, 5601 Dalton Drive NW, Calgary, Alberta

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Fax: 403-625-4062

Fax: 403-335-7610

www.calgaryhealthregion.ca/envhealth