

ORDER OF AN EXECUTIVE OFFICER CLOSED FOR TENANT ACCOMMODATION PURPOSES ORDER TO VACATE

**To: Dennis A Johnson
(the “Owner”)**

**Gayle A Johnson
(the “Owner”)**

And To: All Occupant(s) of the following Housing premises:

1409 42 Street SW, Calgary, Alberta

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

1409 42 Street SW, Calgary, Alberta

WHEREAS I, an Executive Officer of Alberta Health Services, have inspected the above 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:

Main Suite:

- a. The ceiling in the master bedroom closet is mouldy.
- b. There was water leak from the ceiling in the North facing bedroom where water was still pooled in the light fixture at the time of the re-inspection.
- c. The carpet and underlay in the North facing bedroom was soaked from the roof leak.
- d. The laundry room ceiling has visible stains from water damage and was wet – measured with a moisture meter.
- e. The area around the window in the north facing bedroom wall is unfinished.
- f. The weather stripping on the main suite back door is in disrepair.
- g. The insect screen on the front door is broken.

Basement Suite:

- h. The flooring, walls, and ceiling in the basement unit are under renovation and are unfinished.
- i. The bedroom window in the basement unit was sealed and does not meet egress requirements.
- j. The kitchen window is missing an insect screen.
- k. The exterior kitchen window pane is broken.

Common Area / Exterior:

- l. The outside patio deck and guardrails are rotten and in disrepair.
- m. The ceiling in the stairway down to the basement unit has visible water staining
- n. The roof is in disrepair.
- o. The window next to entrance in the back of the house is broken.
- p. The back door next to the laundry room area is not weather proof.

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:

Main Suite:

- a. The ceiling in the master bedroom closet is mouldy. This is in contravention of Section 5, in the Minimum Housing and Health Standards and Section 5 of the Housing Regulation.
- b. There was water leak from the ceiling in the North facing bedroom where water was still pooled in the light fixture at the time of the re-inspection. This is in contravention of Section 2, in the Minimum Housing and Health Standards and Section 5 of the Housing regulation.
- c. The carpet and underlay in the North facing bedroom was soaked from the roof leak. This is in contravention of Section 5, in the Minimum Housing and Health Standards and Section 5 of the Housing Regulation.
- d. The laundry room ceiling has visible stains from water damage and was wet – measured with a moisture meter. This is in contravention of Section 5, in the Minimum Housing and Health Standards and Section 5 of the Housing Regulation.
- e. The area around the window in the north facing bedroom wall is unfinished. This is in contravention of Section 5, in the Minimum Housing and Health Standards.
- f. The weather stripping on the main suite back door is in disrepair. This is in contravention of Section 2, in the Minimum Housing and Health Standards.
- g. The insect screen on the front door is broken. This is in contravention of Section 2, in the Minimum Housing and Health Standards.

Basement Suite:

- h. The flooring, walls, and ceiling in the basement unit are under renovation and are unfinished. This is in contravention of Section 5, in the Minimum Housing and Health Standards.
- i. The bedroom window in the basement unit was sealed and does not meet egress requirements. This is in contravention of Section 3, in the Minimum Housing and Health Standards.
- j. The kitchen window is missing an insect screen. This is in contravention of Section 2, in the Minimum Housing and Health Standards.
- k. The exterior kitchen window pane is broken. This is in contravention of Section 2, in the Minimum Housing and Health Standards.

Common Area / Exterior:

- l. The outside patio deck and guardrails are rotten and in disrepair. This is in contravention of Section 1 and 3, in the Minimum Housing and Health Standards.

- m. The ceiling in the stairway down to the basement unit has visible water staining and was wet – measured with a moisture meter. This is in contravention of Section 5, in the Minimum Housing and Health Standards and Section 5 of the Housing Regulation.
- n. The roof is in disrepair. This is in contravention of Section 2, in the Minimum Housing and Health Standards.
- o. The window next to entrance in the back of the house is broken. This is in contravention of Section 2, in the Minimum Housing and Health Standards.
- p. The back door next to the laundry room area is not weather proof. This is in contravention of Section 2, in the Minimum Housing and Health Standards.

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 the occupants vacate the above noted premises on or before **Thursday, September 1st, 2011**
2. That the owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - Using the services of a contractor familiar with mould remediation: Remove and replace **any and all** drywall, building materials, and finishing materials, insulation, or any other item that is or may be water damaged and / or mouldy. The areas must be allowed to dry and treated with mould inhibitor. An inspection is required **prior** to new materials being installed. Call this office to arrange an appointment prior to commencing work past this stage.
 - Repair the Main suite, Basement suite, and Common area flooring, ceiling, and walls so they are in good repair, free of cracks, holes, loose or lifting coverings and in a condition that renders them easy to clean.
 - Ensure all openable windows and screen doors have tight fitting insect screens in good repair.
 - Replace broken windows to ensure they are weatherproof, by a storm sash, double glazed panes or other durable thermal barrier.
 - Replace the basement suite bedroom window so it meets egress requirements in the Minimum Housing and Health Standards.
 - Repair any weather stripping on exterior doors to ensure it is weatherproof.
 - Replace building materials that have been damaged or show evidence of rot or other deterioration on the outside patio deck, guardrails, and spindles.
 - Using the services of a professional roofing company: provide notice of assessment to determine the extent of the damage and repair the roof, providing written documentation of all work done.
3. That until such time as the work referred to above is completed to the satisfaction of an Executive Officer of Alberta Health Services; the above noted premises shall remain closed for tenant accommodation purposes.

The above conditions were noted at the time of inspection and may not necessarily reflect all deficiencies. You are advised that further work may be required to ensure full compliance with the Public Health Act and regulations, or to prevent a public health nuisance.

DATED at Calgary, Alberta, August 05, 2011

Ryan Lau, BScAg, BEH(AD), CPHI(C)
Executive Officer
Environmental Health Officer

YOU HAVE THE RIGHT TO APPEAL

A person who **a) is directly affected by a decision of a Regional Health Authority, and**
 b) feels himself aggrieved by the decision

may appeal the decision within ten (10) days after receiving the order to the Public Health Appeal Board located at 24th Floor, Telus Plaza, 10025 - Jasper Avenue, Edmonton, Alberta, T5J 1S6. Telephone (780) 427-2813.

The terms of this Order remain in effect notwithstanding the filing or proposed filing of any such appeal. If you appeal, you may also make an application to the Board for a stay of this Order pending the appeal.

A copy of the Public Health Appeal form may be obtained by contacting Alberta Health Services at (780) 342-0122, or the Public Health Appeal Board (780) 427-2813.

You are advised that all orders remain in effect pending such an appeal

HEALTH LEGISLATION, REGULATIONS AND STANDARDS

Electronic versions of the Public Health Act and Regulations are available at the Alberta Queen's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or www.qp.gov.ab.ca.

Health Legislation and regulations are available for purchase. Please contact Alberta Queen's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7) or www.qp.gov.ab.ca.

Copies of standards are available by contacting the Health Protection Branch of Alberta Health & Wellness at (780) 427-4518, or by visiting: www.health.alberta.ca/about/health-legislation.html

Confirmation of an oral order issued to Dennis A Johnson, on August 03, 2011, and a telephone conversation with Gayle A Johnson, on August 04, 2011.

Copy Dennis A Johnson
Gayle A Johnson

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BANFF Health Unit
303 Lynx Street
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CALGARY - Southport Atrium
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www.albertahealthservices.ca/eph.asp