

ORDER OF AN EXECUTIVE OFFICER UNFIT FOR HUMAN HABITATION

To: Frank Levstik
(the “owner”)

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

1523 28 Avenue SW
Calgary Alberta
T2T 1J3

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

1523 28 Avenue SW
Calgary Alberta
T2T 1J3

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:

Common

- a. There is a large hole in the roof directly above the stairs leading to the upper units that is causing water to leak throughout the building. The hole is so large that daylight is visible.
- b. The wood under the stairs leading to the upstairs is rotten, broken and unsafe due to extensive water damage.
- c. The handrail is loose and unstable.
- d. Hallway ceiling in the lower floor is water damaged, broken and caved in due to water damage.
- e. The upstairs ceiling directly above the stairs has caved in due to severe water damage.

Unit 1

- a. Both bedroom windows cannot be opened from the inside to provide egress in case of emergency.
- b. No smoke alarm installed.
- c. Mould growth on floor, close to the wall that separates the second bedroom and kitchen.
- d. The kitchen ceiling has caved in due to severe water damage

- e. The linoleum on the kitchen floor is in disrepair.
- f. South kitchen wall is water damaged with paint peeling off the wall.
- g. Walls on both sides of the hallway are water damaged, paint peeling off and in disrepair.
- h. Ceiling in the hallway is cracked, water damaged, paint peeling off and in disrepair.

Unit 2

- a. Both bedroom windows cannot be opened from the inside to provide egress in case of emergency.
- b. No smoke alarm installed.

Unit 3

- a. Both bedroom windows cannot be opened from the inside to provide egress in case of emergency.
- b. No smoke alarm installed.
- c. There is mould growth on south kitchen wall.
- d. Broken ceiling in hall wall in front of the first bedroom.
- e. Water damaged ceiling throughout the unit.
- f. The south kitchen wall is water damaged, paint falling off and in disrepair.
- g. The kitchen ceiling caved in due to severe water damage.
- h. Kitchen cupboards are broken and in disrepair.

Unit 4

- a. Both bedroom windows cannot be opened from the inside to provide of egress in case of emergency.
- b. No smoke alarm installed.
- c. There are large cracks on ceiling throughout the living room.
- d. The kitchen ceiling is water damaged throughout and paint is falling off the ceiling.
- e. Kitchen cupboards are broken and in disrepair

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:

Common

- a. There is a large hole on the roof directly above the stairs leading to the upper units that is causing water to leak throughout the building, contravening section 1, 2 (a) and 5 of the Minimum Housing and Health Standards.
- b. The wood under the stairs leading to the upstairs is rotten, broken and unsafe due to extensive water damage, contravening section 1 and 5 of the Minimum Housing and Health Standards
- c. The handrail is loose and unstable, contravening section 3 (c) of the Minimum Housing and Health Standards.
- d. Hallway ceiling in the lower floor is water damaged, broken and caved in due to water damage, contravening section 1 and 5 of the Minimum Housing and Health Standards.
- e. The upstairs ceiling directly above the stairs has caved in due to severe water damage, contravening section 1 and 5 of the Minimum Housing and Health Standards.

Unit 1

- a. Both bedroom windows cannot be opened from the inside to provide egress in case of emergency, contravening section 3(b) of the Minimum Housing and Health Standards.
- b. No smoke alarm installed, contravening section 12 of the Minimum Housing and Health Standards.
- c. Mould growth on floor, close to the wall that separates the second bedroom and kitchen, contravening of the Nuisance and General Sanitation Regulation, specifically Section 5(2), and of the Housing Regulation.
- d. The kitchen ceiling has caved in due to severe water damage, contravening section 5 of the Minimum Housing and Health Standards.
- e. The linoleum on the kitchen floor is in disrepair, contravening section 5 of the Minimum Housing and Health Standards.
- f. South kitchen wall is water damaged with paint peeling off the wall, contravening section 5 of the Minimum Housing and Health Standards.
- g. Walls on both sides of the hall way are water damaged, paint peeling off and in disrepair, contravening section 5 of the Minimum Housing and Health Standards.
- h. Ceiling on the hall way is cracked, water damaged, paint peeling off and in disrepair, contravening section 5 of the Minimum Housing and Health Standards.

Unit 2

- a. Both bedroom windows cannot be opened from the inside to provide egress in case of emergency, contravening section 3(b) of the Minimum Housing and Health Standards.
- b. No smoke alarm installed, contravening section 12 of the Minimum Housing and Health Standards.

Unit 3

- a. Both bedroom windows cannot be opened from the inside to provide egress in case of emergency, contravening section 3(b) of the Minimum Housing and Health Standards.
- b. No smoke alarm installed, contravening section 12 of the Minimum Housing and Health Standards.
- c. There is mould growth on south kitchen wall, contravening of the Nuisance and General Sanitation Regulation, specifically Section 5(2), and of the Housing Regulation.
- d. Broken ceiling on hall wall in front of the first bedroom, contravening section 5 of the Minimum Housing and Health Standards.
- e. Water damaged ceiling throughout the unit, contravening section 5 of the Minimum Housing and Health Standards.
- f. The south kitchen wall is water damaged, paint falling off and in disrepair, contravening section 5 of the Minimum Housing and Health Standards.
- g. The kitchen ceiling caved in due to severe water damage, contravening section 1 and 5 of the Minimum Housing and Health Standards.
- h. Kitchen cupboards are broken and in disrepair, contravening section 14 of the Minimum Housing and Health Standards.

Unit 4

- a. Both bedroom windows cannot be opened from the inside to provide egress in case of emergency, contravening section 3(b) of the Minimum Housing and Health Standards.
- b. No smoke alarm installed, contravening section 12 of the Minimum Housing and Health Standards.

- c. There are large cracks on ceiling throughout the living room, contravening section 5 of the Minimum Housing and Health Standards.
- d. The kitchen ceiling is water damaged throughout and paint falling off the ceiling, contravening section 5 of the Minimum Housing and Health Standards.
- i. Kitchen cupboards are broken and in disrepair, contravening section 14 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**:

- a. That the above noted premises be **vacated not later 8:00 AM on Monday, the 7th Day of November, 2011.**
- b. That the owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. The roof of the entire building must be replaced. Provide written documentation from a qualified roofing contractor detailing all work done.
 - b. Hire a professional mould remediation company to remove all water-damaged, rotting and /or mouldy material from the ceilings, walls and floors in all suites and common areas in manner that is safe. Do not replace any of the removed building materials until a reinspection by an Executive Officer has been done and approval granted to proceed with repairs. Provide written documentation from Remediation Company detailing all work done.
 - c. The common handrail must be properly installed to ensure that it is stable and safe to use.
 - d. All water damaged, broken, cracked and collapsing ceiling must be removed and replaced with new ceiling. Ensure that all ceilings in the building are in good repair.
 - e. Ensure that all bedroom windows can be easily opened from the inside to provide egress in case of emergency and ensure that all bedroom windows meet the requirements of section 3 Minimum Housing and Health Standards.
 - f. Install a smoke alarm in all units that is operational at all times.
 - g. Replace all damaged linoleum in the kitchen of Unit 1.
 - h. Replace all broken kitchen cupboards with new cupboards in Unit 3 and 4.
- c. 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 vacant and secure from unauthorized entry.

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, the 28th day of October, 2011

Ayuk Eyong , 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 the owner Frank, on October 26th, 2011.

AIRDRIE Regional Health Centre

604 Main Street South
Airdrie, AB T4B 3K7
Phone: 403-912-8400
Fax: 403-912-8410

BANFF Health Unit

303 Lynx Street
PO Box 1266
Banff, AB T1L 1B3
Phone: 403-762-2990
Fax: 403-762-5570

CALGARY - Southport Atrium

10101 Southport Road SW
Calgary, AB T2W 3N2
Phone: 403-943-2288
Fax: 403-943-8056

CANMORE Public Health

#104, 800 Railway Avenue
Canmore, AB T1W 1P1
Phone: 403-678-5656
Fax: 403-678-5068

CLARESHOLM Public Health

5221 2nd Street W
PO Box 1391
Claresholm, AB T0L 0T0
Phone: 403 625-4061
Fax: 403-625-4062

COCHRANE Community Health Centre

60 Grande Boulevard
Cochrane, AB T4C 0S4
Phone: 403-851-6000
Fax: 403- 851-6009

OKOTOKS Health and Wellness Centre

11 Cimarron Common
Okotoks, AB T1S 2E9
Phone: 403-995-2600
Fax: 403-995-2639

STRATHMORE Public Health Office

650 Westchester Road
Strathmore, AB T1P 1H8
Phone: 403-361-7200
Fax: 403-361-7244

www.albertahealthservices.ca/eph.asp