

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

To: David Mayhew and Pingna Mayhew
212 33 Avenue NE
Calgary, Alberta T2E 2H6
(the “**Owner**”)

To: David Mayhew and Pingna Mayhew
10333 Hamptons Boulevard NW
Calgary, Alberta T3A 5S2
(the “**Owner**”)

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

Basement, 212 33 Avenue NE
Calgary, Alberta

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

Basement, 212 33 Avenue NE
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 JUNCTION BOXES OF THE LIVING ROOM CEILING LIGHT FIXTURE AND OF THE KITCHEN CEILING LIGHT FIXTURE ARE EXPOSED WITH LIVE WIRES VISIBLE.
- b. THE FURNACE WAS NOT FUNCTIONAL AND WAS DECLARED UNSAFE TO OPERATE BY ATCO GAS.
- c. THE VENT PIPE OF THE FURNACE IS CORRODED.
- d. ONE SECTION OF THE FURNACE VENT PIPE WAS INSTALLED WITH A COFFEE TIN CAN.
- e. PORTABLE HEATERS WERE USED AS A PRIMARY SOURCE OF HEAT IN THE THREE MONTHS THE FURNACE WAS NOT FUNCTIONAL.
- f. THE LEFT WALLS OF THE BATHROOM HAVE MOLD GROWTH.
- g. RIGHT BEDROOM HAS NO WINDOW TO COMPLY WITH EMERGENCY EGRESS REQUIREMENT.

ORDER OF AN EXECUTIVE OFFICER

Re: Those premises located in Calgary, Alberta and municipally described as **Basement 212 33 Avenue NE, Calgary, Alberta**

- h. LEFT BEDROOM HAS NO WINDOW TO COMPLY WITH EMERGENCY EGRESS REQUIREMENT. THE ONLY WINDOW DOES NOT MEET THE REQUIREMENT AND IS IN THE CLOSET.
- i. NO SMOKE ALARM IS INSTALLED.
- j. THE WALL OF THE LIVING ROOM AGAINST THE FRONT OF THE HOUSE WAS OBSERVED WITH HIGH LEVELS OF MOISTURE UP TO 2 FEET FROM THE FLOOR.
- k. THE CARPET IN THE LIVING ROOM IS OBSERVED WITH HIGH LEVELS OF MOISTURE.
- l. THE BATHROOM HAS NEITHER AN OPENABLE WINDOW TO THE EXTERIOR NOR A MECHANICAL FAN VENTING TO THE OUTSIDE.
- m. THE MIDDLE KITCHEN WINDOW IS ONLY SINGLE PANE WITHOUT A STORM PANE.

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 JUNCTION BOXES OF THE LIVING ROOM CEILING LIGHT FIXTURE AND OF THE KITCHEN CEILING LIGHT FIXTURE ARE EXPOSED WITH LIVE WIRES VISIBLE, CONTRAVENING SECTION 11 OF THE MINIMUM HOUSING AND HEALTH STANDARDS.
- b. THE FURNACE WAS NOT FUNCTIONAL AND WAS DECLARED UNSAFE TO OPERATE BY ATCO GAS, CONTRAVENING SECTION 8 (a) OF THE MINIMUM HOUSING AND HEALTH STANDARDS.
- c. THE VENT PIPE OF THE FURNACE IS CORRODED, CONTRAVENING SECTION 8 (a) OF THE MINIMUM HOUSING AND HEALTH STANDARDS.
- d. ONE SECTION OF THE FURNACE VENT PIPE WAS INSTALLED WITH A COFFEE TIN CAN, CONTRAVENING SECTION 8 (a) OF THE MINIMUM HOUSING AND HEALTH STANDARDS.
- e. PORTABLE HEATERS WERE USED AS A PRIMARY SOURCE OF HEAT IN THE THREE MONTHS THE FURNACE WAS NOT FUNCTIONAL, CONTRAVENING SECTION 8 (c) OF THE MINIMUM HOUSING AND HEALTH STANDARDS.
- f. THE LEFT WALLS OF THE BATHROOM HAVE MOLD GROWTH, CONTRAVENING SECTION 5 (2) OF THE HOUSING REGULATION.
- g. RIGHT BEDROOM HAS NO WINDOW TO COMPLY WITH EMERGENCY EGRESS REQUIREMENT, CONTRAVENING SECTION 3 (b) OF THE MINIMUM HOUSING AND HEALTH STANDARDS.
- h. LEFT BEDROOM HAS NO WINDOW TO COMPLY WITH EMERGENCY EGRESS REQUIREMENT. THE ONLY WINDOW DOES NOT MEET THE REQUIREMENT AND IS IN THE CLOSET, CONTRAVENING SECTION 3 (b) OF THE MINIMUM HOUSING AND HEALTH STANDARDS.
- i. NO SMOKE ALARM IS INSTALLED, CONTRAVENING SECTION 12 OF THE MINIMUM HOUSING AND HEALTH STANDARDS.
- j. THE WALL OF THE LIVING ROOM AGAINST THE FRONT OF THE HOUSE WAS OBSERVED WITH HIGH LEVELS OF MOISTURE UP TO 2 FEET FROM THE FLOOR, CONTRAVENING SECTION 1 (b) OF THE MINIMUM HOUSING

ORDER OF AN EXECUTIVE OFFICER

Re: Those premises located in Calgary, Alberta and municipally described as **Basement 212 33 Avenue NE, Calgary, Alberta**

- AND HEALTH STANDARDS.
- k. THE CARPET IN THE LIVING ROOM IS OBSERVED WITH HIGH LEVELS OF MOISTURE, CONTRAVENING SECTION 1 (c) OF THE MINIMUM HOUSING AND HEALTH STANDARDS.
 - l. THE BATHROOM HAS NEITHER AN OPENABLE WINDOW TO THE EXTERIOR NOR A MECHANICAL FAN VENTING TO THE OUTSIDE, CONTRAVENING SECTION 7 (c) OF THE MINIMUM HOUSING AND HEALTH STANDARDS.
 - m. THE MIDDLE KITCHEN WINDOW IS ONLY SINGLE PANE WITHOUT A STORM PANE, CONTRAVENING SECTION 2 (b) (iii) OF 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 tenants inhabiting the above noted premises be **vacated** no later than 12pm, on Monday, the 4th day of July, 2011.
2. That, if the above noted premises are to be reoccupied by the public, the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Fix the ceiling light fixtures so the wires are not exposed.
 - b. Repair or replace the existing furnace with a safe and functional furnace by a professional technician.
 - c. Remove all corroded furnace vent pipes and the tin can. Install a proper furnace vent pipes by a professional technician.
 - d. Remove the moldy wall and all affected materials of the bathroom. Identify the source of the leak. Fix the leak and refinish the walls.
 - e. Install a sprinkler system for the basement unit or install an openable window that meets the Minimum Housing and Health Standards in both bedrooms.
 - f. Install a smoke alarm in the hallway outside of the bedrooms.
 - g. Identify the source of the leak in the living room. Fix the leak. Remove all water damaged walls and insulation. Refinish the walls after it is dry.
 - h. Remove the living room carpet and the underlay of the living room carpet. Refinish the living room floor after the area is dry and the leak is fixed.
 - i. Install an openable window or a mechanical ventilation device for the bathroom.
 - j. Install a storm pane for the middle kitchen window or replace it with a dual pane window.
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 **closed for tenant accommodation purposes**.

ORDER OF AN EXECUTIVE OFFICER

Re: Those premises located in Calgary, Alberta and municipally described as **Basement 212 33 Avenue NE, Calgary, Alberta**

Dated at Calgary, Alberta, this 30th day of June, 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
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