

**ORDER OF AN EXECUTIVE OFFICER
UNFIT FOR HUMAN HABITATION
ORDER TO VACATE**

To: **Properties Plus Limited
c/o Ali Kamarei and Sean Kamarei
(the “owner”)**

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

RE: Those housing premises located in Calgary, Alberta and municipally described as:
717 14 Avenue SW

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 Area

- a. The entire attic was badly damaged by a fire. As a result, the roof was significantly damaged and requires replacing.
- b. Both electrical and gas service to the entire house have been disconnected.

Unit 1 (main floor)

- a. Many of the walls and ceilings in the unit are substantially water damaged as a result of the water used to extinguish the fire in the attic.
- b. The ceiling in the bathroom is water damaged and mouldy.
- c. The floor and wall around the sink in the bathroom are water damaged.
- d. There is an insect screen missing from the window in the bedroom directly off the kitchen.
- e. The kitchen countertop is in disrepair.
- f. There is no smoke alarm in the suite.

Unit 2 (second floor)

- a. Windows in both bedrooms do not open.
- b. The ceilings in both bedrooms are water substantially damaged due to the water used to extinguish the fire in the attic.
- c. The ceiling in the kitchen is in disrepair.
- d. The kitchen floor is in disrepair.
- e. There is no smoke alarm in the unit.

Unit 3 (basement suite)

- a. The windows in both bedrooms are too small for emergency egress and are outfitted with bars. Although the bars are quick release, they stick badly and do not open easily.

- b. The wall in the bathroom is in disrepair – tiles are missing and coming away from the wall above the sink.
- c. Mould growth is evident on the drywall in the back bedroom closet, and on the drywall in the furnace room.
- d. The wall behind the foot of the bathtub is in disrepair.
- e. The ceilings throughout the unit are water damaged.
- f. The kitchen counter is in disrepair.
- g. Mould growth is evident in the cupboard under the kitchen sink.
- h. There is no handrail along the stairs leading to the basement suite.

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 Area

- a. The entire attic was badly damaged by a fire. As a result, the roof was significantly damaged and requires replacing. This is in contravention of the Minimum Housing and Health Standards, section 2(a).
- b. Both electrical and gas service to the entire house have been disconnected. This is in contravention of the Minimum Housing and Health Standards, sections 8(a), 9(a) and 11.

Unit 1 (main floor)

- a. Many of the walls and ceilings in the unit are substantially water damaged as a result of the water used to extinguish the fire in the attic. This is in contravention of the Minimum Housing and Health Standards, section 5.
- b. The ceiling in the bathroom is water damaged and mouldy. This is in contravention of the Minimum Housing and Health Standards, section 5(a).
- c. The floor and wall around the sink in the bathroom are water damaged. This is in contravention of the Minimum Housing and Health Standards, section 5(a).
- d. There is an insect screen missing from the window in the bedroom directly off the kitchen. This is in contravention of the Minimum Housing and Health Standards, section 2(b)(iii).
- e. The kitchen countertop is in disrepair. This is in contravention of the Minimum Housing and Health Standards, section 14(a)(iii).
- f. There is no smoke alarm in the suite. This is in contravention of the Minimum Housing and Health Standards, section 12.

Unit 2 (second floor)

- a. Windows in both bedrooms do not open. This is in contravention of the Minimum Housing and Health Standards, section 3(b)(i).
- b. The ceilings in both bedrooms are water substantially damaged due to the water used to extinguish the fire in the attic. This is in contravention of the Minimum Housing and Health Standards, section 5.
- c. The ceiling in the kitchen is in disrepair. This is in contravention of the Minimum Housing and Health Standards, section 5(b).
- d. The kitchen floor is in disrepair. This is in contravention of the Minimum Housing and Health Standards, section 5(b).
- e. There is no smoke alarm in the unit. This is in contravention of the Minimum Housing and Health Standards, section 12.

Unit 3 (basement suite)

ORDER OF AN EXECUTIVE OFFICER – UNFIT FOR HUMAN HABITATION, ORDER TO VACATE

Re: Those premises located in Calgary, Alberta and municipally described as 717 14 Avenue SW, Calgary, Alberta

- a. The windows in both bedrooms are too small for emergency egress and are outfitted with bars. Although the bars are quick release, they stick badly and do not open easily. This is in contravention of the Minimum Housing and Health Standards, sections 3(b)(i) and 3(b)(ii).
- b. The wall in the bathroom is in disrepair – tiles are missing and coming away from the wall above the sink. This is in contravention of the Minimum Housing and Health Standards, section 5(a).
- c. Mould growth is evident on the drywall in the back bedroom closet, and on the drywall in the furnace room. This is in contravention of the Minimum Housing and Health Standards, section 5.
- d. The wall behind the foot of the bathtub is in disrepair. This is in contravention of the Minimum Housing and Health Standards, section 5(a).
- e. The ceilings throughout the unit are water damaged. This is in contravention of the Minimum Housing and Health Standards, section 5.
- f. The kitchen counter is in disrepair. This is in contravention of the Minimum Housing and Health Standards, section 14(a)(iii).
- g. Mould growth is evident in the cupboard under the kitchen sink. This is in contravention of the Minimum Housing and Health Standards, section 5(a).
- h. There is no handrail along the stairs leading to the basement suite. This is in contravention of the Minimum Housing and Health Standards, section 3(c).

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 occupants vacate the above noted premises on or before August 16, 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. All building materials affected by the fire must be removed and properly disposed of. Affected areas must then be rebuilt with new materials. This includes, but is not limited to the entire attic area and the roof.
 - b. Fully and properly functioning smoke alarms are to be installed in all suites throughout the house.
 - c. Ensure all bedroom windows are openable and the openable area meets egress requirements. If bars will be used, they must be the quick-release variety.
 - d. All damaged floors, walls and ceilings throughout the entire house must be removed, disposed of and replaced with new materials. Please call AHS for a reinspection prior to rebuilding areas that were opened/cut out.
 - e. A handrail to the basement suite must be installed.
 - f. All surfaces affected by mould must be cut out, disposed of, and replaced with new materials. Please call AHS for a reinspection prior to rebuilding areas that were opened/cut out.
 - g. Repair or replace all damaged counter tops.
 - h. Insect screens must be installed over all openable windows.
 - i. All utility services must be reinstated prior to reoccupancy.

- 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, August 19, 2011.

Daria Romanish, 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

ORDER OF AN EXECUTIVE OFFICER – UNFIT FOR HUMAN HABITATION, ORDER TO VACATE

Re: Those premises located in Calgary, Alberta and municipally described as 717 14 Avenue SW, Calgary, Alberta

Confirmation of an oral order issued to **Sean Kamarei**, at **12:30pm on Tuesday August 16th, 2011.**

Copy sent to Properties Plus Limited c/o Ali Kamarei and Sean Kamarei

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