

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

To: **The Calgary Homeless Foundation**
#308 – 925 7 Avenue SW
Calgary, Alberta T2P 1A5
(the “Owner”)

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

Unit B4 – 331 Heritage Drive SE
Calgary, Alberta

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

Unit B4 – 331 Heritage Drive SE
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. Floors, walls and appurtenances in living room, dining room, kitchen, bathroom, bedrooms and hallways are water laden.
- b. Conditions that support mould growth are evident within the premises. Excess humidity and water behind drywall and under flooring are suitable conditions for mould growth.
- c. Due to age of building it is suspected that asbestos is present in the plaster joint compound of walls, ceilings and linoleum.
- d. Small room is being used as a sleeping room and does not have a window for emergency egress.
- e. Larger room being used as a sleeping room, where the only window measures 24 x 24 inches, however only can open 24 x 8 inches because is obstructed by the metal window well. Window is also lever style where the lever can impede emergency egress.

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. Floors, walls and appurtenances in living room, dining room, kitchen, bathroom, bedrooms and hallways are water laden. This is a contravention of Section 1, and 5,

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Re: Premises located in Calgary, Alberta and municipally described as **B4-331 Heritage Drive SE.**

- in the Minimum Housing and Health Standards.
- b. Conditions that support mould growth are evident within the premises. Excess humidity and water behind drywall and flooring are suitable conditions for mould growth. This is a contravention of Section 2(1) of the Nuisance and General Sanitation Regulation and Sections 3, 4 and 5, of the Housing Regulation.
 - c. Due to age of building it is suspected that asbestos is present in the plaster joint compound of walls, ceilings and linoleum. This is a contravention of Section 5(2), of the Alberta Housing Regulation.
 - d. Small room is being used as a sleeping room does not have a window for emergency egress. This is a contravention of Section 3(b), of the Minimum Housing and Health Standards.
 - e. Larger room being used as a sleeping room, the only window measures 24 x 24 inches however only can open 24 x 8 inches because is obstructed by the metal window well. Window is also lever style where the lever can impede emergency egress. This is a contravention of Section 3(b), 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**:

1. The above noted premises be **vacated immediately** and remain vacant until the Executive Officer's Order is rescinded.
2. 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 a restoration and mould remediation specialist, approved by Alberta Health Services, 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. Assess the conditions within the above noted premises including the carrying out of environmental air quality analyses of the interior spaces (Reference should be made to Mould Guidelines for the Canadian Construction Industry located at www.cca-acc.com/mould/.) Prepare for review by Alberta Health Services a detailed assessment report and scope of work plan, to be submitted prior to the initiation of work, including a hazardous materials audit and management plan.
 - b. Asbestos presence or absence must be assessed and determined to the satisfaction of the Executive Officer. Asbestos abatement must be conducted in accordance with all applicable Alberta provincial legislation.
 - 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. All finishes, including cabinets and countertops must be smooth, impervious to moisture and easily cleanable.
 - d. Install a window in the small sleeping room so that it meets all requirements of Section 3(b) of the Minimum Housing and Health Standards. If a window cannot be

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- installed, or if you choose not to install a window, provide affidavit to this office, which states; the small room will not be used for sleeping and provide a copy of the tenancy agreement which corresponds with the affidavit.
- e. Modify or replace the large bedroom window so that it meets all requirements of Section 3(b) of the Minimum Housing and Health Standards.
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 **vacant and secured from unauthorized entry.**

Dated at Calgary, Alberta, this 07th day of February, 2011. Verbal order issued on February 02, 2011 during inspection to; Janelle Dyck, Controller for Calgary Homeless Foundation and building manager, Derek.

Heather A Langemann, CPHI(C)
Executive Officer, Public Health Inspector
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
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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
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Claresholm
Claresholm Public Health
5221 2nd Street W
PO Box 1391
Claresholm, AB T0L 0T0
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Didsbury
Didsbury Health Unit
PO Box 130
1210 -20th Avenue
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Okotoks
Okotoks Public Health Centre
11 Cimarron Commons
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Public Health Building
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www.calgaryhealthregion.ca/envhealth