

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

To: Republic Financial Ltd.
(The "Owner")

David Halpern
(The "Owner")

Nelson Halpern
(The "Owner")

Shelley Zimmerman
(The "Owner")

Howard Messer
(Property Manager)

And To: All Occupant(s) of the following Housing premises:
Suite 104, 304 26 Avenue SW, Calgary Alberta

RE: Those housing premises located in Calgary, Alberta and municipally described as:
Suite 104, 304 26 Avenue 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:

- a. There has been a sewage leak from kitchen sink that has contaminated and damaged the countertops, base cabinets and flooring.
- b. There is a significant odour of mould in this suite.
- c. The bathtub surround tiles have been removed and exposed extensive water and mould damage to base structure.
- d. The bedroom window is single pane and is lever style where the opening mechanism impedes emergency egress.
- e. The living room window is single pane, the wood casing is rotten and does not have an insect screen.
- f. The kitchen window is missing an insect screen.

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:

- a. There has been a sewage leak from kitchen sink that has contaminated and damaged the countertops, base cabinets and flooring. This is a contravention of Section 5(2) of the Housing Regulation and Sections 1, 5, 6 and 14 of the Minimum Housing and Health Standards.
- b. There is a significant odour of mould in this suite. This is a contravention of Section 5(2) of the Housing Regulation and Section 5 of the Minimum Housing and Health Standards.
- c. The bathtub surround tiles have been removed and exposed extensive water and mould damage to base structure. This is a contravention of Section 5(2) of the Housing Regulation and Sections 1, and 5 of the Minimum Housing and Health Standards.
- d. The bedroom window is single pane and is lever style where the opening mechanism impedes emergency egress. This is a contravention of Sections 2(b) and 3(b) of the Minimum Housing and Health Standards.
- e. The living room window is single pane, the wood casing is rotten and does not have an insect screens. This is a contravention of Sections 1 and 2(b) of the Minimum Housing and Health Standards.
- f. The kitchen window is missing an insect screen. This is a contravention of Section 2(b) 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 the above noted premise remain vacant.
2. That the owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. The kitchen base cabinets, countertop must be removed and replaced with new products. Any other building products or structures must be remediated for any and all mould that is present. All rotten, damaged or contaminated materials must be removed and replace with new building products. Any surface mould on building products that cannot be removed for structural reasons must be removed by cleaning or sanding. An inspection is required prior to covering area with new building products.
 - b. The linoleum flooring in the kitchen must be removed and replaced with new suitable flooring and installed to the satisfaction of this office.
 - c. All other surfaces in the kitchen that may have been contaminated with sewage must be cleaned and sanitized.
 - d. The damaged and mouldy materials in the bathroom must be removed and replaced with new products. Any surface mould on building products that cannot be removed for structural reasons must be removed by cleaning or sanding. An inspection is required prior to covering area with new building products.
 - e. The bedroom window must be replaced with a model that meets the emergency egress requirements under the Minimum Housing and Health Standards.
 - f. The living room window must be altered or replaced to protect against cold weather and have a storm sash, double glazing or other thermal resistant barrier.
 - g. All openable windows must have insect screens.

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, October 11, 2011

Heather A Langemann, 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 Howard Messer, on September 28, 2011 during a phone conversation.

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

COCHRANE Community Health Centre
60 Grande Boulevard
Cochrane, AB T4C 0S4
Phone: 403-851-6000
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OKOTOKS Health and Wellness Centre
11 Cimarron Common
Okotoks, AB T1S 2E9
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STRATHMORE Public Health Office
650 Westchester Road
Strathmore, AB T1P 1H8
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www.albertahealthservices.ca/eph.asp

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