

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

**To: BCIMC Realty Corporation & GWL Realty Advisors Inc.
(the “owner”)**

**3501973 Canada Inc.
(the “owner”)**

**Douglas Pearce
(the “owner”)**

**Diversicare Canada Management Services Co., Inc.,
Tammy Williams (Regional Manager, Diversicare Canada)
(the “Manager”)**

**Lake Bonavista Village Advocat Inc.
C/O Diversicare Canada Management Services
(the “Manager”)**

**And To: All Occupant(s) of the following Housing premises:
Suite 470 – 11800 Lake Fraser Drive SE**

**RE: Those housing premises located in Calgary, Alberta and municipally described as:
Suite 470 – 11800 Lake Fraser Drive SE**

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. Floors, ceilings, walls and appurtenances of entire suite 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.

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. Floors, ceilings, walls and appurtenances of entire suite are water laden. This is a contravention of Section 1, and 5, 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 under 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.

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. That the occupants vacate the above noted premises immediately.
2. 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:
 - I. Assess the conditions within the above noted premise including the carrying out of environmental air quality analyses of the interior spaces (including ceilings, attic spaces, and walls) for water and mould damage. The assessment must include intrusive and destructing testing and must include inspection and assessment of hidden cavities and surfaces into walls and ceilings, removing cabinets, shower enclosures or any other appurtenance as deemed necessary by the Environmental Consultant for investigation purposes.
 - II. Remove all drywall, non structural building materials, and finishing materials, and 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 intrusive testing of the interior spaces, including exterior walls. (Reference should be made to Mould Guidelines for the Canadian Construction Industry located at www.cca-acc.com/mould/.) Any building products that cannot be removed must be cleaned or sanded to remove all possible mould residues.
 - III. All furnishings and soft window covering throughout shall be removed and professionally cleaned or disposed of and shall not be stored in the suite due to chance of recontamination.
 - IV. All remaining surfaces shall be cleaned with detergent and water including; remaining walls, exposed support studs, cupboards, and any other appurtenance that remains intact.
 - V. All carpeting must be steam cleaned or removed as deemed necessary by the Environmental Consultant.
 - VI. Fungal air testing is required and reporting shall follow the requirements outlined in the Alberta Health Services' Fungal Air Testing Protocol. This step must be conducted once remediation and cleaning is completed, prior to rebuild.
 - VII. **Once all mouldy or damaged building products and investigation sites are removed, and items I through VI have been completed, an inspection by an Executive Officer of AHS is required prior to re-build or replacing the**

materials. Failure to have an inspection at this stage may result in the requirement to remove the new materials to inspect the areas.

3. 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.
4. 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, February 03, 2012.

Heather A Langemann, CPHI(C)
Executive Officer
Environmental Health Officer

ORDER OF AN EXECUTIVE OFFICER – UNFIT FOR HUMAN HABITATION, ORDER TO VACATE
Re: Those premises located in Calgary, Alberta and municipally described as #470-11800 Lake Fraser Drive SE

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 Tammy Williams, at January 23, 2012.

Copy Norton Rose Canada LLP attn: Donald S. MacKimmie

Copy Lawson Lundell LLP attn: Kenneth B. Flowers

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CANMORE Public Health
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www.albertahealthservices.ca/eph.asp