

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

To: Xiu Ling Cai
"the owner"

And

Gina Cai and Westly Holding Ltd.
"the owner's representative and property manager"

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

RE: The "housing premises" located in Edmonton, Alberta and municipally described as:
**11635-123 Street NW, Main floor and Common Areas
Lot 12, Block 35, Plan RN46**

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 in any manner the prevention or suppression of disease, namely:

Main floor

- a. There was no smoke alarm installed in the hallway or in the second bedroom (East facing).
- b. The insect screen on the kitchen window (East facing window) was missing.
- c. The roof was in disrepair and was covered with the white tarp. Eaves troughs above the main entrance had an accumulation of leaves and dirt.
- d. There was an evidence of recent water infiltration into the home due to the damaged roof.
- e. The ceiling throughout the home was in disrepair. There were cracks and areas of water damages noted in the kitchen, living room and main entrance ceilings.
- f. The caulking around the bathtub was in adequate and did not provide a water tight joint between the bathtub and the wall.

Common/General Areas:

- g. The flooring in the laundry room and the basement hallway was water damaged. It was wet and bulging out due to a recent sewage back up.
- h. There was mould growth noted underneath the flooring in the laundry room. There was also a musty smell in the laundry room and the basement hallway.
- i. There was evidence of water damage noted on the dry wall in the basement hallway and in the laundry room. High moisture levels were detected using the protimeter.
- j. The weather stripping on the back exit door was inadequate. Daylight could be seen from the side of the door.

- k. The openings between spindles on the guards were measured between 7 and 8 inches.
- l. The handrail on the front staircase leading into the house was loose and wobbly.
- m. The handrail on the first staircase leading to the basement was missing.

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. Violation [a.] is in contravention of section IV(12) of the Minimum Housing and Health Standards which states that: Smoke alarms within dwellings shall be installed between each sleeping area and the remainder of the suite and, where hallways serve the sleeping areas; the smoke alarms shall be installed within the hallway
- b. Violation [b.] is in contravention of section III(2)(b)(iii) of the Minimum Housing and Health Standards which states that: During the portion of the year when there is a need for protection against flies and other flying insects, every window or other device intended for ventilation shall be supplied with effective screens.
- c. Violation [c.] is in contravention of section III(2)(a) of the Minimum Housing and Health Standards which states that: The roof and exterior cladding of walls shall be maintained in a waterproof, windproof and weatherproof condition.
- d. Violation [d.] is in contravention of section III(1)(a,b) of the Minimum Housing and Health Standards which states that: the housing premises shall be structurally sound, and; basements, cellars or crawl spaces shall be structurally sound, and maintained in good repair and free from water infiltration and accumulation.
- e. Violation [e.] is in contravention of section III(5) of the Minimum Housing and Health Standards which states that: All walls, windows, ceilings, floors, and floor coverings shall be maintained in good repair, free of cracks, holes, loose or lifting coverings and in a condition that renders it easy to clean.
- f. Violation [f.] is in contravention of section III(5)(a) of the Minimum Housing and Health Standards which states that: Rooms containing a flush toilet and/or a bathtub or shower shall have walls and floors that are smooth, non-absorbent to moisture and easy to clean. All walls shall form a watertight joint with each other, the floor, the ceiling and where applicable with the bathtub or shower.
- g. Violation [g.], [h.] and [i.] are in contravention of section III(5) of the Minimum Housing and Health Standards which states that: All walls, windows, ceilings, floors, and floor coverings shall be maintained in good repair, free of cracks, holes, loose or lifting coverings and in a condition that renders it easy to clean. It is also violation of section III(1)(c) of the Minimum Housing and Health Standards which states that: Building materials that have been damaged or show evidence of rot or other deterioration shall be repaired or replaced.
- h. Violation [j.] is the contravention of section III(2)(b)(i) of the Minimum Housing and Health Standards which states that: All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof.

- i. Violation [k.], [l] and [m] are the contravention of section III(3)(c) of the Minimum Housing and Health Standards which states that: Inside or outside stairs or porches including all treads, risers, supporting structural members, rails, guards and balconies, shall be maintained in good repair and shall comply with the requirements of the Alberta Building Code or a Professional Engineer design.

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 above noted premises is to remain vacant.
2. As this building potentially contains hazardous materials and/or was built prior to 1990, you must retain the services of an **Environmental Consultant or Industrial/Occupational Health Hygienist, approved by Alberta Health Services. Prior to any renovations being completed, you must have the Environmental Consultant** assess the conditions within the above noted premises including applicable sampling for asbestos containing materials.

Provide a detailed assessment report and scope of work plan including a hazardous materials audit and management plan, as prepared by the Environmental Consultant, for review by Alberta Health Services.

The owner is responsible for ensuring that any work is conducted in safe manner.

3. That the owner undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Ensure all water damaged material is removed including flooring, ceilings, drywalls and roofing material. This work must be done by a Licensed Environmental Consultant or Industrial/Occupational Health Hygienist.
They must:
 - i. Assess the conditions within the above noted premises including carrying out of environmental air quality analyses of the interior spaces (including the wall and floor cavities) for water and mould damage.
 - ii. Remove the water damaged material. The area must be opened, dried and cleaned.
 - iii. Conduct air monitoring to ensure all contaminants have been identified and removed. Air sampling is to be carried out in accordance with Alberta Health Services Fungal Air Testing, Investigation and Reporting Requirements for Mould Remediation. A copy of this report must be submitted to this office for review.
 - b. Replace all damaged materials and ensure floor coverings, walls and ceilings are in good repair, free of cracks, holes, loose or lifting coverings and in a condition that renders it easy to clean.

- c. Ensure rooms containing a flush toilet and/or a bathtub or shower shall have walls and floors that are smooth, non-absorbent to moisture and easy to clean. All walls shall form a watertight joint with each other, the floor, the ceiling and where applicable with the bathtub or shower.
 - d. Rooms and sections of rooms that are used for food preparation and cooking shall have walls and floors constructed of materials which do not provide harbourage to dirt, grease, vermin and bacteria and that are easily kept clean.
 - e. Ensure that a functioning smoke alarm is installed in the hallway. Ensure smoke alarms are operational and in good repair at all times.
 - f. Ensure insects screens are installed on all openable windows for protection against flies and other flying insects.
 - g. Repair and or replace the roof. Ensure the roof is in good repair, structurally sound and maintained in a waterproof, windproof and weatherproof condition.
 - h. Repair or modify the back exit door so it is properly weatherproofed. Ensure all windows and exterior doors are maintained in good repair, free of cracks and weatherproof.
 - i. Reduce the spacing between spindles or guards to 4 inches or less by modifying or replacing the existing guards. Ensure inside or outside stairs or porches including all treads, risers, supporting structural members, rails, guards and balconies are maintained in good repair and comply with the requirements of the Alberta Building Code or a Professional Engineer design.
 - j. Install a handrail on the first staircase leading to the basement so it is in compliance with the requirements of the Alberta Building Code or a Professional Engineer design.
 - k. Clear the eaves troughs of leaves and other debris.
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 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 Edmonton, Alberta, October 21, 2016

Confirmation of a verbal order issued to Gina Gai property manager on 30 September 2016.

_____ (original signed) _____

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 Reception, Main Floor, Telus Plaza, 10025 Jasper Avenue, Edmonton, Alberta, T5J 1S6, Telephone 780-427-2813 Fax 780-422-0914.

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.

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Copies of standards are available by contacting the Health Protection Branch of Alberta Health at 780-427-4518, or by visiting: www.health.alberta.ca/about/health-legislation.html