

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

To: 1880580 Alberta Ltd. Udeme Esop Akpan
"the Owner" "the Owner"

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

RE: Those housing premises located in Edmonton, Alberta and municipally described as:
House and Back Sheds, 11644 94 Street NW

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:

- a. Front porch planks were in disrepair and loose in places.
- b. Finishes were in disrepair including: a portion of the drywall in the front entry was missing; walls were damaged with holes throughout; the back door casing was missing; a portion of the basement ceiling was water-logged due to a sewage backup in the main floor bathroom; there was a large hole in the basement drywall providing access to the large floor vent in the main floor front (NE) bedroom.
- c. The thermostat was missing.
- d. The control panel on the stove was broken.
- e. There was a sewage back up in the main floor bathroom, evident in the toilet and the sink. There was sewage on the floor of the bathroom as well as in the basement.
- f. The back door did not adequately lock.
- g. There was no handrail along the stairs leading to the basement.
- h. There was no guard along the open side along the stairs leading to the basement.
- i. The basement was being used for sleeping, and there was no adequate means of emergency egress.
- j. There was no operational smoke alarm on the main floor or in the basement.
- k. There was mould growth on the wall of the basement utility area by the furnace.
- l. The back sheds were occupied and being used for sleeping.

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. Front porch planks were in disrepair and loose in places. This is in contravention of Section 3(c)(i) of the Minimum Housing and Health Standards which states that: Inside or outside stairs or porches including all treads, risers, supporting structural members,

handrails, 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.

- b. Finishes were in disrepair including: a portion of the drywall in the front entry was missing; walls were damaged with holes throughout; the back door casing was missing; a portion of the basement ceiling was water-logged due to a sewage backup in the main floor bathroom; there was a large hole in the basement drywall providing access to the large floor vent in the main floor front (NE) bedroom. This is in contravention of Section 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. (a) 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. (b) 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.
- c. The thermostat was missing. This is in contravention of Section 8(a) of the Minimum Housing and Health Standards which states that: All heating facilities within a housing premises are to be properly installed and maintained in good working condition, and be capable of safely and adequately heating all habitable rooms, bathrooms, and toilet rooms within the building to a temperature of ; (i) at least 22 degrees C(71 degrees F), or (i) maintained at a temperature of at least 22 degrees C(71 degrees F) when the control of the supplied heat in a dwelling is the responsibility of a person other than the occupant.
- d. The control panel on the stove was in broken. This is in contravention of Section 14(a)(iv) of the Minimum Housing and Health Standards which states that: Every housing premises shall be provided with a food preparation area, which includes: ...(iv) a stove and a refrigerator that are maintained in a safe and proper operating condition. The refrigerator shall be capable of maintaining a temperature of 4 degrees C. (40 degrees F).
- e. There was a sewage back up in the main floor bathroom, evident in the toilet and the sink. There was sewage on the floor of the bathroom as well as in the basement. This is in contravention of Section 6(a) of the Minimum Housing and Health Standards which states that: Every housing premises shall be connected to the public sewage system, or to an approved private sewage disposal system. (a) The plumbing system and the sanitary drainage system or private sewage disposal system, as the case may be, including drains, fixtures, traps, vents, stacks, waste disposal facilities, pumpout sewage holding tanks, septic tanks and the disposal system shall be maintained in a proper operating condition.
- f. The back door did not adequately lock. This is in contravention of Section 3(a) of the Minimum Housing and Health Standards which states that: Exterior windows and doors shall be capable of being secured.
- g. There was no handrail along the stairs leading to the basement. This is in contravention of Section 3(c)(i) of the Minimum Housing and Health Standards which states that: Inside or outside stairs or porches including all treads, risers, supporting structural members, handrails, 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.
- h. There was no guard along the open side along the stairs leading to the basement. This is in contravention of Section 3(c)(i) of the Minimum Housing and Health Standards which states that: Inside or outside stairs or porches including all treads, risers, supporting structural members, handrails, 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.

- i. The basement was being used for sleeping, and there was no adequate means of emergency egress. This is in contravention of Section 3(b)(i, ii) of the Minimum Housing and Health Standards which states that: (i) For buildings of 3 storeys or less and except where a bedroom door provides access directly to the exterior or the suite is sprinklered, each bedroom shall have at least one outside window which may be opened from the inside without the use of tools or special knowledge. (ii) Windows referred to in section 3(b)(i) shall provide unobstructed openings with areas not less than 0.35 m² (3.8ft²), with no dimension less than 380 mm (15").
- j. There was no operational smoke alarm on the main floor or in the basement. This is in contravention of Section 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. (a) Smoke alarms shall be operational and in good repair at all times.
- k. There was mould growth on the wall of the basement utility area by the furnace. This is in contravention of Section 5(2) of the Housing Regulation (AR 173/99) which states that: No person shall cause or permit any condition in housing premises that is or may become injurious or dangerous to the public health, including any condition that may hinder in any way the prevention or suppression of disease.
- l. The back sheds were occupied and being used for sleeping. This is in contravention of Section 5(2) of the Housing Regulation (AR 173/99) which states that: No person shall cause or permit any condition in housing premises that is or may become injurious or dangerous to the public health, including any condition that may hinder in any way the prevention or suppression of disease.

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 on or before April 24, 2024.
2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Repair the front porch so that it is in good repair.
 - b. Repair or replace all damaged finishes so that they are in good repair, free of cracks, holes, loose or lifting coverings and in a condition that renders it easy to clean.
 - c. Replace the thermostat. Ensure that all heating facilities within a housing premises are to be properly installed and maintained in good working condition, and be capable of safely and adequately heating all habitable rooms, bathrooms, and toilet rooms within the building to a temperature of; (i) at least 22 degrees C(71 degrees F), or (i) maintained at a temperature of at least 22 degrees C(71 degrees F).
 - d. Repair or replace the stove so that it is in good repair and in proper working condition.
 - e. Hire a qualified plumbing contractor to repair the plumbing system so that it is in proper operating condition. *Provide documentation to the Alberta Health Services Environmental Public Health Office.*
Remove and replace the basement ceiling drywall that was saturated with sewage. Ensure that all affected areas have been appropriately cleaned and sanitized.

- f. Repair or replace the back door lock so that the door can be adequately secured.
 - g. Install a handrail along the stairs that lead to the basement. Ensure that this meets the Alberta Building Code.
 - h. Install a guard along the open side along stairs that lead to the basement. Ensure that this meets the Alberta Building Code.
 - i. Ensure that sleeping rooms have at least one window that can be opened from the inside without the use of tools or special knowledge, and provide unobstructed openings with areas not less than 0.35 m² (3.8ft²), with no dimension less than 380 mm (15").
 - j. Install operational smoke alarms between each sleeping area and the remainder of the suite.
 - k. Remove and replace the mouldy drywall in the basement utility area by the furnace.
 - l. Ensure that the back sheds are not occupied or used for sleeping.
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 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 Edmonton, Alberta, April 22, 2024

Confirmation of a verbal order issued to Udeme Akpan on April 17, 2024.

Executive Officer
Alberta Health Services

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 by submitting a Notice of Appeal form within ten (10) days after receiving the order to:

Public Health Appeal Board
c/o Central Reception
Main Floor, ATB Place North Tower
10025 Jasper Avenue NW
Edmonton, Alberta, T5J 1S6
Phone: 780-222-5186
Fax: 780-422-0914
Email: HealthAppealBoard@gov.ab.ca
Website: <https://www.alberta.ca/public-health-appeal-board.aspx>

A Notice of Appeal form may be obtained by contacting the Public Health Appeal Board or visiting their website.

Health Legislation, Regulations and Standards

Electronic versions of the Public Health Act and Regulations are available at the Alberta King's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or <https://www.alberta.ca/alberta-kings-printer.aspx>.

Health Legislation and regulations are available for purchase. Please contact Alberta King's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or <https://www.alberta.ca/alberta-kings-printer.aspx>.

Copies of standards are available by visiting: <https://www.alberta.ca/health-standards-and-guidelines.aspx>

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<https://www.ahs.ca/eph>