

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

**To:** **Joyce Eleanor Phillips**      **1622332 Alberta Ltd.**      **Nitasha Virani**  
"the Owner"      "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:  
9632 163 Street NW, including the two back (west) garages/outbuildings

**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. There was no gas utility in the building.
- b. Space heaters were being used to heat portions of the house such as in the main floor kitchen and in the northeast main floor bedroom.
- c. The handrail and guardrail along the stairs leading to the basement did not comply with the current Alberta Building Code, and the top of the handrail was attached to the wall bracket with duct tape.
- d. The southeast living room window was broken.
- e. There was no smoke alarm in the main floor hallway outside the bedrooms.
- f. There was no smoke alarm in the basement.
- g. The finishes were in disrepair throughout the premises including: the main floor kitchen, bathroom, hall, and living room flooring with unfinished wood exposed in places; the main floor walls were partially finished in places; and the basement ceiling was in disrepair with unfinished wood in places.
- h. The main floor bathroom bathtub surround was in extensive disrepair: the back surround was not properly finished and there was mould along its base; the two sides consisted of sheets of plastic.
- i. The electrical system was in disrepair throughout the premises including: exposed switch next to the back door; extension cords were used in the main floor kitchen & main floor northeast bedroom and in the basement; and the ceiling fixture in the main floor northeast bedroom was missing and wires were uncapped.
- j. The plumbing system was in disrepair throughout the premises including: the kitchen taps did not have adequate volume or pressure (were reduced to trickles); the plumbing under the main floor bathroom sink leaked; the plumbing under the basement bathroom sink leaked, and the basement toilet appeared to be plugged.
- k. There appeared to be a sewage back-up in the basement, and liquid was noted on the basement floor.

- l. There was extensive drug paraphernalia noted throughout the premises, particularly in the main floor northeast bedroom and in the basement. The drug paraphernalia included pipes, baggies and tin foil pieces, lighters/small torches, and naloxone kits.
- m. There was evidence of sleeping in the garage including a sleeping bag and personal items.

**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. Item [d] is in contravention of section III(2)(b) which states: (i) All windows and exterior doors shall be; maintained in good repair, free of cracks and weatherproof. (ii) In housing premises intended for use during the winter months, windows in habitable rooms shall protect against cold weather through the provision of a storm sash, double glazing, or other durable thermal/air resistant barrier as may be approved by the Executive Officer. (iii) 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.
- b. Items [c] is in contravention of section III(3)(c)(i) of the Minimum Housing and Health Standards which states: 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.
- c. Items [g, h] are in contravention of section III(5) of the Minimum Housing and Health Standards which states: 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.
- d. Items [j, k] are in contravention of section IV(6) of the Minimum Housing and Health Standards which states: 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. (b) Adequate water volume and pressure shall be provided to ensure the proper operation and flushing of all fixtures. (c) All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.
- e. Items [a, b] are in contravention of section IV(8) of the Minimum Housing and Health Standards which states: (a) 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 220C(710F), or (i) maintained at a temperature of at least 220C(710F) when the control of the supplied heat in a dwelling is the responsibility of a person other than the occupant. (b) When the outside temperature is colder than the winter design temperature as referenced in the Alberta Building Code(97) Section 2.2.1.1 and Appendix C, then the Executive Officer may permit an indoor temperature of less than 220C(710F) but greater than 160C (600F). (c) Cooking appliances and portable space

heaters shall not be used as the primary source for the required heat to a habitable room.  
(d) Every owner must ensure a continuous supply of electricity, water and heat unless the rental agreement stipulates that such utility services are the sole responsibility of the occupant.

- f. Item [i] is in contravention of section IV(11) of the Minimum Housing and Health Standards which states: Every housing premises shall be supplied with electrical service. Outlets, switches and fixtures shall be properly installed and shall be maintained in a good and safe working condition.
- g. Items [e, f] are in contravention of section IV(12) of the Minimum Housing and Health Standards which states: 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.
- h. Items [l, m] are in contravention of section 5(2) of the Housing Regulation (AR 173/99) which states: 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 November 30, 2021**.
- 2. That the Owner undertake the completion of the following work in and about the above noted premises, namely:
  - a. Restore gas utility at the property. Cooking appliances and portable space heaters are not to be used as the primary source for the required heat to a habitable room. Ensure that there is a continuous supply of electricity, water, and heat.
  - b. Repair or replace any windows that are in disrepair. Ensure that all windows are: maintained in good repair, free of cracks and weatherproof; are double glazed or are provided with a storm sash; and are capable of being secured.
  - c. Ensure that the handrail guardrail along the interior stairs leading to the basement comply with the current Alberta Building Code.
  - d. Retain a qualified plumbing professional to inspect the plumbing and sanitary system, and make any necessary repairs so that the plumbing and sanitary system are in good repair, including: unplug the main floor bathroom toilet; address the cause of the sewage back up in the basement. **Provide documentation to this office.**
  - e. Clean and sanitize the flooring and other areas affected by the sewage back up on the basement. An information document can be found there:  
<https://albertahealthservices.ca/Advisories/ne-pha-cleaning-house.pdf>.
  - f. Ensure that the electrical outlets, switches, and fixtures are properly installed and maintained in a good and safe working condition.
  - g. Install smoke alarms in the hallway outside the main floor bedrooms, and in the hallway outside the basement bedrooms. Smoke alarms must be operational at all times.
  - h. Ensure that all finishes are in good repair in living spaces including bedrooms, bathrooms, the kitchen, and other common areas.

- i. Repair or replace the main floor bathroom bathtub surround so that it is smooth, non-absorbent to moisture, easy to clean, and has watertight joints.
  - j. Ensure that nuisance items such as drug paraphernalia have been properly removed and disposed of.
  - k. Ensure that the garage is not being used as a sleeping/living area as it does not meet the Minimum Housing and Health Standards.
  - l. Ensure that the housing premises meets the Minimum Housing and Health Standards prior to being used as a rental accommodation.
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, November 18, 2021

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](mailto:HealthAppealBoard@gov.ab.ca)  
Website: <https://www.alberta.ca/public-health-appeal-board.aspx>

A Notice of Appeal form may be obtained by contacting Alberta Health Services at 780-342-0122 or by contacting the Public Health Appeal Board.

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](http://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: <https://www.alberta.ca/health-standards-and-guidelines.aspx>

Template revised Feb 20, 2020

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Edmonton • Environmental Public Health  
Suite 700, 10055 – 106 Street NW, Edmonton, jAB, T5J 2Y2  
[www.albertahealthservices.ca/eph.asp](http://www.albertahealthservices.ca/eph.asp)