

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

**To:** Daniel Berhe  
"the Owner"

**And To:** All Occupant(s) of the following Housing premises: 634 34 Avenue NE – Basement

**RE:** Those housing premises located in Calgary, Alberta and municipally described as: 634 34 Avenue NE- Basement

**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. Electrical services had been disconnected in the unit. Occupants were unable to properly use the fridge, freezer, stove, or any other vital appliances. Foods were also spoiling as the fridge and freezer measured 14.6 and 15 degrees Celsius respectively.
- b. Due to the absence of power in the unit, the furnace was not properly operational and there was no heat in the unit. The ambient temperature of the unit measured between 15.2-15.8 degrees Celsius.
- c. There was no smoke alarm installed anywhere in the unit.
- d. Several openable windows throughout the unit such as the living room windows, kitchen windows, and bedroom windows were unable to be properly locked and secured from unauthorized entry. The window locks were either missing or ineffective.
- e. The wall near the stairs was extremely mouldy.
- f. There was water damage and water staining observed throughout the unit. Water stains were observed on the bathroom ceiling, on the baseboards in the kitchen, on the baseboards in the bathroom, and along the door frame nearest to the stairs.
- g. Water was severely leaking from the plumbing underneath the kitchen sink. The occupants had placed a large bowl underneath the plumbing to catch dripping water. The water had overflowed and was leaking onto the kitchen cabinet base material and the kitchen floor.
- h. Both kitchen sink drains were clogged and as a result, there was dirty stagnant water in the basin that was unable to properly drain out.
- i. The hand wash sink in the bathroom was severely leaking. When the handles were turned to the fully off position, water leaked from the base of the faucet onto the floor.
- j. The toilet was missing a flush handle and a tank cover. Occupants were pulling on a chain located inside the toilet tank compartment to flush the toilet.
- k. There was no light bulb installed in the refrigerator.
- l. The handle for the refrigerator was missing.

- m. There was a crack on the left exterior window pane for the window located in the bedroom closest to the stairs.
- n. There was a crack on the right interior living room window pane. The crack was covered with tape.
- o. The master bedroom window was missing an exterior window pane.
- p. The window for the bedroom closest to the stairs was missing an exterior window pane.
- q. The weather-stripping around the entrance door was peeling off in sections and missing in others, exposing gaps to the outdoors around the entire door.
- r. There was an electrical outlet cover missing from over the electrical outlet located in the living room.
- s. The electrical outlet located in the bedroom closest to the stairs was damaged. The bottom prong insert was damaged and loose.
- t. There was an electrical cover that was not properly secured to the wall in the living room. As a result, there was a hole in the wall and electrical wires were exposed.
- u. The laminate flooring planks in the living room were separating and as a result, dirt and debris had accumulated in the exposed gaps.
- v. Baseboards were missing in the hallways throughout the unit.
- w. There was a big hole in the wall along the stairs.
- x. There was a large dent in the ceiling by the bottom of the stairs.
- y. The insect screen was missing from over the openable windows in the kitchen and in the living room.
- z. The bedroom closest to the stairs had an insect screen installed that was not tight-fitting to the frame of the window and there was also a hole in the 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. Electrical services had been disconnected in the unit. Occupants were unable to properly use the fridge, freezer, stove, or any other vital appliances. Foods were also spoiling as the fridge and freezer measured 14.6 and 15 degrees Celsius respectively. This is a contravention of section IV (11) of the Minimum Housing and Health Standards which states that: 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. This is also a contravention of section IV (8)(d) of the Minimum Housing and Health Standards which states that: 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.
- b. Due to the absence of power in the unit, the furnace was not properly operational and there was no heat in the unit. The ambient temperature of the unit measured between 15.2-15.8 degrees Celsius. This is a contravention of section IV (8)(a)(i) 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 at least 22 degrees Celsius ( or 71 degrees F). This is also a contravention of section IV ( 8)(d) of the Minimum Housing and Health Standards which states that: 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.

- c. There was no smoke alarm installed anywhere in the unit. This is a 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.
- d. Several openable windows throughout the unit such as the living room windows, kitchen windows, and bedroom windows were unable to be properly locked and secured from unauthorized entry. The window locks were either missing or ineffective. This is a contravention of section III (3)(a) of the Minimum Housing and Health Standards which states that: Exterior windows and doors shall be capable of being secured.
- e. The wall near the stairs was extremely mouldy. This is a contravention of section 2(1) of the Public Health Act Nuisance and General Sanitation Regulation, 2003 which states that: No person shall create, commit or maintain a nuisance.
- f. There was water damage and water staining observed throughout the unit. Water stains were observed on the bathroom ceiling, on the baseboards in the kitchen, on the baseboards in the bathroom, and along the door frame nearest to the stairs. This is a contravention of section III (1)(b) of the Minimum Housing and Health Standards which states that: Basement, cellars or crawl spaces shall be structurally sound, maintained in good repair and free from water infiltration and accumulation. It is also a contravention 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.
- g. Water was severely leaking from the plumbing underneath the kitchen sink. The occupants had placed a large bowl underneath the plumbing to catch dripping water. The water had overflowed and was leaking onto the kitchen cabinet base material and the kitchen floor. This is a contravention of section IV (6)(c) of the Minimum Housing and Health Standards which states that: All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.
- h. Both kitchen sink drains were clogged and as a result, there was dirty stagnant water in the basin that was unable to properly drain out. This is a contravention of section IV (6)(a) of the Minimum Housing and Health Standards which states that: The plumbing system and the sanitary drainage system or private sewage system, as the case may be, including drains, fixtures, traps, vents, stacks, waste disposal facilities, pump out sewage holding tanks, septic tanks and the disposal system shall be maintained in a proper operating condition.
- i. The hand wash sink in the bathroom was severely leaking. When the handles were turned to the fully off position, water leaked from the base of the faucet onto the floor. This is a contravention of section IV (6)(c) of the Minimum Housing and Health Standards which states that: All plumbing fixtures shall be serviceable, free from leaks, trapped and vented to the outside.

- j. The toilet was missing a flush handle and a tank cover. Occupants were pulling on a chain located inside the toilet tank compartment to flush the toilet. This is a contravention of section IV (6) (a) of the Minimum Housing and Health Standards which states that: The plumbing system and the sanitary drainage system or private sewage system, as the case may be, including drains, fixtures, traps, vents, stacks, waste disposal facilities, pump out sewage holding tanks, septic tanks and the disposal system shall be maintained in a proper operating condition.
- k. There was no light bulb installed in the refrigerator. This is a contravention of section IV (14) (d) of the Minimum Housing and Health Standards which states that: The owner shall be responsible for the provision and operating condition of the cooking and refrigeration equipment supplied by the owner, unless the rental agreement stipulates that the tenant is responsible.
- l. The handle for the refrigerator was missing. This is a contravention of section IV (14) (d) of the Minimum Housing and Health Standards which states that: The owner shall be responsible for the provision and operating condition of the cooking and refrigeration equipment supplied by the owner, unless the rental agreement stipulates that the tenant is responsible.
- m. There was a crack on the left exterior window pane for the window located in the bedroom closest to the stairs. This is in 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.
- n. There was a crack on the right interior living room window pane. The crack was covered with tape. This is in 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.
- o. The master bedroom window was missing an exterior window pane. This is a contravention of section III (2)(b)(ii) of the Minimum Housing and Health Standards which states that: 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.
- p. The window for the bedroom closest to the stairs was missing an exterior window pane. This is a contravention of section III (2)(b)(ii) of the Minimum Housing and Health Standards which states that: 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.
- q. The weather-stripping around the entrance door was peeling off in sections and missing in others, exposing gaps to the outdoors around the entire door. This is a 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.

- r. There was an electrical outlet cover missing from over the electrical outlet located in the living room. This is a contravention of section IV (11) of the Minimum Housing and Health Standards which states that: 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.
- s. The electrical outlet located in the bedroom closest to the stairs was damaged. The bottom prong insert was damaged and loose. This is a contravention of section IV (11) of the Minimum Housing and Health Standards which states that: 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.
- t. There was an electrical cover that was not properly secure to the wall in the living room. As a result, there was a hole in the wall and electrical wires were exposed. This is a contravention of section IV (11) of the Minimum Housing and Health Standards which states that: 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.
- u. The laminate flooring planks in the living room were separating and as a result, dirt and debris had accumulated in the exposed gaps. This 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.
- v. Baseboards were missing in the hallways throughout the unit. This 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.
- w. There was a big hole in the wall along the stairs. This 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.
- x. There was a large dent in the ceiling by the bottom of the stairs. This 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.
- y. The insect screen was missing from over the openable windows in the kitchen and in the living room. This 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.

- z. The bedroom closest to the stairs had an insect screen installed that was not tight-fitting to the frame of the window and there was also a hole in the screen. This 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.

**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 occupants vacate the above noted premises immediately and that all remaining possessions be vacated on or before May 31, 2019.
2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
  - a. Reinstate electrical service to the unit and ensure all appliances including the fridge, stove, freezer and furnace are in proper operating condition.
  - b. Install a smoke alarm in the hallway outside of the bedrooms.
  - c. Repair or replace the ineffective/ missing window locks. Ensure that the window locks are effective. This prevents unauthorized entry into the unit.
  - d. Determine the source of excess moisture and/or water infiltration, and properly repair. Remove all water damaged and potentially mould contaminated interior building materials including: door trims, drywall, ceiling materials, and insulation. Clean and disinfect the affected areas and allow time to dry. Schedule a re-inspection with an Alberta Health Services Executive Officer to verify that all water damaged materials were removed and that the remaining area is clean and dry prior to reconstruction.
  - e. Determine the source of the kitchen plumbing water leak and properly repair to ensure that water no longer leaks.
  - f. Unclog the kitchen sinks. Ensure that the drain is properly operational such that waste water is able to be drained into the sanitary drainage system.
  - g. Repair or replace the bathroom faucet such that water does not leak when the faucet is turned to the fully off position.
  - h. Properly install a flush handle for the toilet and ensure that it is operational.
  - i. Replace the missing toilet tank cover.
  - j. Install a light bulb and a proper handle for the refrigerator.
  - k. Replace the cracked bedroom/ living room window panes.
  - l. Replace the missing window panes for both bedrooms or replace the windows with double paned windows. This ensures that the windows are weatherproof.
  - m. Replace the missing and worn weather-stripping around the entrance door to eliminate the gaps to the outdoors.
  - n. Replace missing electrical outlet covers.
  - o. Properly secure the hanging electrical cover to the wall and ensure the electrical wires are no longer exposed.
  - p. Replace the damaged electrical outlet located on the wall in the bedroom closest to the stairs.



- q. Repair or replace the laminate flooring in the living room.
  - r. Replace and properly install the missing baseboards throughout the unit.
  - s. Properly patch the hole in the wall along the staircase. Ensure the area is refinished such that it is made smooth and easy to clean.
  - t. Repair the dented ceiling by the stairs. Properly re-finish and re-stipple the area.
  - u. Install tight-fitting insect screens over all openable windows in the unit. For the insect screen with a hole in the bedroom closest to the stairs, either repair or replace the insect screen.
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, May 27, 2019.

Confirmation of a verbal order issued to Daniel Berhe via voicemail on May 24, 2019 at around 5:18 PM.

Monica Quach, 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 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: <http://www.health.alberta.ca/about/PHAB.html>

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).

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](http://www.qp.gov.ab.ca).

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](http://www.health.alberta.ca/about/health-legislation.html)

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**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  
Fax: 403-678-5068

**CLARESHOLM Health Unit**

5221 2<sup>nd</sup> Street W  
PO Box 1391  
Claresholm, AB T0L 0T0  
Phone: 403-625-4061  
Fax: 403-625-4062

**COCHRANE Community Health Centre**

60 Grande Boulevard  
Cochrane, AB T4C 0S4  
Phone: 403-851-6000  
Fax: 403-851-6009

**OKOTOKS Health and Wellness Centre**

11 Cimarron Common  
Okotoks, AB T1S 2E9  
Phone: 403-995-2600  
Fax: 403-995-2639

**STRATHMORE Public Health Office**

650 Westchester Road  
Strathmore, AB T1P 1H8  
Phone: 403-361-7200  
Fax: 403-361-7244

[www.albertahealthservices.ca/eph.asp](http://www.albertahealthservices.ca/eph.asp)