

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

To: Harleen Dhaliwal
"the Owner"

Gurrinder Dhah
"the manager"

And To: All Occupant(s) of the following Housing premises: 2739 16 Avenue SE

RE: Those housing premises located in Calgary, Alberta and municipally described as:
2739 16 Avenue SE

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. All utilities were disconnected by the City of Calgary due to unsafe conditions.
- b. The unfinished basement with no egress windows was being used for sleeping purposes. Mattresses, bedding, furniture, tent, and personal items were observed throughout the basement area.
- c. All bedroom windows were not openable.
- d. Drug paraphernalia, including needles, was observed scattered throughout the property.
- e. There were no smoke alarms near any bedrooms.
- f. There was no shower head or plumbing available for the bathtub.
- g. There were no balustrades along the basement staircase.
- h. There was no handrail along the basement staircase.
- i. The back deck guardrail was missing balustrades and had spaces greater than 4 inches apart.
- j. There was no handrail along the back deck staircase.
- k. The flooring throughout the property (kitchen, bedrooms, washroom, and living room) had exposed gaps.
- l. There was a missing floor transition bar between the hallway and kitchen.
- m. The flooring beside the front entrance was repaired with tuck tape.
- n. There was water damage and surface mould observed on the kitchen ceiling.
- o. Sections of the kitchen ceiling were missing.
- p. The kitchen counter was missing a side trim, exposing bare wood.
- q. The bedroom door by the kitchen was severely cracked and dented.
- r. The washroom window was broken, exposing sharp edges.
- s. There was a large section of bare plywood by the bathtub.

- t. The hot water tank was leaking.
- u. There was water damage and a small area of surface mould observed on the bedroom ceiling by the kitchen.
- v. Squalor condition were observed throughout the property.

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. All utilities were disconnected by the City of Calgary due to unsafe conditions. This is in contravention of section IV(8)(d) of the Minimum Housing and Health Standards which states that: Every owner of a housing premises shall 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. The unfinished basement with no egress windows was being used for sleeping purposes. Mattresses, bedding, furniture, tent, and personal items were observed throughout the basement area. This is a contravention of section III(3)(b)(i) of the Minimum Housing and Health Standards which states that: 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. And section III(3)(b)(i) of the Minimum Housing and Health Standards which states that: Windows referred to above shall provide unobstructed openings with areas not less than 0.35 m² (3.8ft²), with no dimension less than 380 mm (15").
- c. All bedroom windows were not openable. This is a contravention of section III(3)(b)(i) of the Minimum Housing and Health Standards which states that: 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. And section III(3)(b)(i) of the Minimum Housing and Health Standards which states that: Windows referred to above shall provide unobstructed openings with areas not less than 0.35 m² (3.8ft²), with no dimension less than 380 mm (15").
- d. Drug paraphernalia, including needles, was observed scattered throughout the property. This is in contravention of section 5(2) of the Housing Regulation, 2001 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.
- e. There were no smoke alarms near any bedrooms. This 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.
- f. There was no shower head or plumbing available for the bathtub. This is in contravention of section IV(7)(a) of the Minimum Housing and Health Standards which states that: The washbasins and bathtub or shower shall be supplied with potable hot and cold running water.
- g. There were no balustrades along the basement staircase. This is in contravention of section III(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 handrail along the basement staircase. This is in contravention of section III(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 back deck guardrail were missing balustrades and had spaces greater than 4 inches apart. This is in contravention of section III(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.
- j. There was no handrail along the back deck staircase. This is in contravention of section III(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.
- k. The flooring throughout the property (kitchen, bedrooms, washroom, and living room) had 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.
- l. There was a missing floor transition bar between the hallway and kitchen. This is in contravention of section III(5)(b) of the Minimum Housing and Health Standards which states that: 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.
- m. The flooring beside the front entrance was repaired with tuck tape. 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.
- n. There was water damage and surface mould observed on the kitchen ceiling. 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.
- o. Sections of the kitchen ceiling were missing. This is in contravention of section III(5)(b) of the Minimum Housing and Health Standards which states that: 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.
- p. The kitchen counter was missing a side trim, exposing bare wood. This is in contravention of section IV(14)(a)(iii) of the Minimum Housing and Health Standards which states that: Every housing premises shall be provided with a food preparation area, which includes: a counter or table used for food preparation which shall be of sound construction and furnished with surfaces that are easily cleaned
- q. The bedroom door by the kitchen was severely cracked and dented. This is in 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.

- r. The washroom window was broken, exposing sharp edges. 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.
- s. There was a large section of bare plywood by the bathtub. This 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.
- t. The hot water tank was leaking. This is in 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 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.
- u. There was water damage and a small area of surface mould observed on the bedroom ceiling by the kitchen. 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. Squalor condition were observed throughout the property. This is in contravention of section 5(2) of the Public Health Act on Housing Regulation, 2001 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 3, 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. Properly reinstate all utilities. Ensure all electrical, gas and plumbing deficiencies are repaired in accordance with the Alberta Building Code.
 - b. Ensure the basement is not used for sleeping purposes. Remove all mattresses, beddings, and tent in the basement area.
 - c. Modify or replace all bedroom windows so that they have an unobstructed openable area of at least 3.8 square feet.
 - d. Remove all drug paraphernalia and needles.
 - e. Install a smoke alarm in the hallway between the bedrooms and ensure it is operational at all times.
 - f. Install proper plumbing (hot and cold water tap, faucet, and shower head) for the bathtub.
 - g. Install balustrade along the basement staircase.
 - h. Install handrail along the basement staircase.

- i. Repair or replace guardrail around the back deck.
 - j. Install a handrail along the back deck staircase.
 - k. Repair or replace the flooring throughout the property so it is smooth and easily cleanable.
 - l. Install a floor transition bar between hallway and kitchen.
 - m. Investigate the source of moisture affecting the kitchen and bedroom ceilings, and ensure it is stopped.
 - n. Remove all mouldy and water damaged building materials from the kitchen and bathroom, and replace with new building materials.
 - o. Replace missing sections of the kitchen ceiling with new building material.
 - p. Repair or replace the missing trim from kitchen counter.
 - q. Replace the bedroom door by the kitchen.
 - r. Replace the washroom window.
 - s. Repair or replace hot water tank.
 - t. Cover over the bare plywood near the bathtub with building material that is smooth, easily cleanable, and impervious to moisture.
 - u. Remove all rubbish from the house.
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.
 4. Work referred to in paragraph 2 above shall be completed no later than June 3, 2019.

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, April 8, 2019

Confirmation of a verbal order issued to Gurrinder Dhah on April 3, 2019.

Rikkie Ma, CPHI(C)
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

Order of an Executive Officer – Unfit for Human Habitation - Order to Vacate

RE: The premises located in Calgary, Alberta and municipally described as: 2739 16 Avenue SE

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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: <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.

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 at 780-427-4518 or by visiting: www.health.alberta.ca/about/health-legislation.html

Copy Safer Communities and Neighbourhoods.

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 2nd 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