

PUBLIC HEALTH APPEAL BOARD  
IN THE MATTER OF THE PUBLIC HEALTH ACT,  
CHAPTER P-37, R.S.A. 2000  
AND ITS REGULATIONS  
IN THE MATTER OF APPEALS TO  
THE PUBLIC HEALTH APPEAL BOARD  
BY 1443028 ALBERTA LTD, GOHAR TASNEEM,  
HOME PLACEMENTS SYSTEMS, SARAH FASSMAN,  
and GOHAR (CARMEN) PERVEZ  
OF THE EXECUTIVE OFFICER'S ORDERS  
ISSUED BY ALBERTA HEALTH SERVICES  
ZONE 4 EDMONTON  
DATED JUNE 15, 2015  
HEARING HELD JULY 29, 2015

**APPEARANCES:**

Gohar Pervez, Appellant  
Sarah Fassman, Appellant

Ivan Bernardo, Legal Counsel, Alberta Health Services, Respondent  
Ingrid Bohac, Executive Officer, Alberta Health Services, Respondent

**BOARD DECISION: The decision of the Board is to vary both Executive Officer Orders dated June 15, 2015 issued for the main floor of 10727 - 93 Street, Edmonton, Alberta and the entire building at 10741 -93 Street, Edmonton, Alberta.**

**A. INTRODUCTION**

The Executive Officer's Orders concerning the properties at 10727 - 93 Street and 10741 – 93 Street, Edmonton, Alberta dated June 15, 2015, are attached as Appendix 1 and 2 respectively. The Order for 10727 -93 Street pertains to the main floor only. The main floor was vacant and the basement and top floor were occupied by tenants. The Order for 10741 – 93 Street is with respect to the entire building. The Orders required that: the premises be secured from any and all unauthorized entry; the Owner undertake and diligently pursue the completion of a number of work/repair items in and about the premises, including testing for mould damage and asbestos materials; and until such time as the work was completed to the satisfaction of an

Executive Officer of Alberta Health Services, the premises were to remain vacant and secure from unauthorized entry. Both premises were declared unfit for human habitation.

On June 22, 2015 the Notices of Appeal with respect to both Orders were received by the Public Health Appeal Board.

A stay hearing was held with the Public Health Appeal Board Chair on July 8, 2015. Alberta Health Services and the Appellants attended by way of telephone conference. The Chair did not grant a stay of the Orders.

The Public Health Appeal Board heard the appeals on July 29, 2015 in Room 15G, 15th Floor, 10155 - 102 Street, Edmonton, Alberta.

Both the Appellants and Respondent agreed to the Board hearing the two appeals at the same time.

#### **B. TIMING OF THE APPEAL**

The Appellants received verbal orders June 11, 2015 and the written Orders were dated June 15, 2015. The Notices of Appeal were received by the Board on June 22, 2015.

Section 5(3) of the *Public Health Act* requires the Appellants to serve the notice of the appeal within 10 days after receiving notice of the decision being appealed. If the Notice of Appeal is not served within the 10 day time frame, the Board may extend the time within which an appeal may be taken if it considers it appropriate to do so. The Notice of Appeal was received within 10 days of the written Orders having been issued and 11 days after receiving the verbal Orders. There was no objection from Alberta Health Services to extending the time for receiving the Notice of Appeal. The Board found it appropriate to extend this time period.

#### **C. JURISDICTION**

There were no objections to the Board's jurisdiction to hear these appeals.

#### **D. FACTS**

The facts concerning the conditions that existed in and about the premises as documented in the Orders were not disputed by the Appellants.

#### **E. APPELLANTS' SUBMISSIONS**

The Appellants questioned Alberta Health Services' right to inspect the properties and issue Unfit for Human Habitation Orders under the circumstances that existed at the time the Orders

were issued. The properties were boarded up, unoccupied, under renovation, regularly inspected and had no outstanding contraventions at the time the renovations commenced.

Items that required repair as set out in the Orders were clearly either being repaired or were the result of the renovations being undertaken. The Appellants referred to the work and renovations that were underway on the properties as due diligence and submitted that was a defence to the Orders.

In addition, the Appellants believed an agreement with Alberta Health Services existed wherein they were to advise them when the properties were ready for occupancy and an inspection would be completed at that time.

The Appellants submitted that Alberta Health Services was aware of all of these circumstances when the Orders were issued and that issuing the Orders was unfair.

The Appellants maintained that the contraventions existing at the time the Orders were issued did not warrant "Unfit for Human Habitation" Orders or environmental testing for mould and asbestos as was required in the Orders. They contended that the Executive Officer who issued the Orders was over-zealous, lacked knowledge and was over-stepping her authority.

The Appellants claimed these Orders affected them financially and hurt their reputation. They were of the opinion that Unfit for Human Habitation Orders carried a stigma in the mind of the public. They referred to the Orders as "condemnation orders" and submitted that these Orders are registered as a Health Hazard on titles to properties as was done in this instance. They submitted that by issuing Unfit for Human Habitation Orders and registering notices of health hazard on the titles to the properties, one of the lenders considered calling in a demand loan, they lost a potential lessee for one of the buildings and the tenants in the basement and upper floors of the building where the main floor was "condemned" gave notice to leave the premises.

They asked the Public Health Appeal Board to reverse the Orders or in the alternative, to vary them.

The two properties were acquired in 2012 and 2013. The Appellants buy derelict and condemned properties in the inner city and bring them up to standard for resale or occupancy. They speculated that over the past fifteen years they had dealt with over 800 such properties. They submitted that as such, they were fully aware of what had to be done to bring the properties up to minimum housing standards. The Appellants claimed they had many dealings with Alberta Health Services over the years on these and other properties and have never been so unfairly treated. These were the first appeals of *Public Health Act* Orders they had initiated.

The Appellants presented a binder marked as exhibit 5 at the hearing. The binder included case law to support their position that due diligence was a defence to the Orders. The majority of the paperwork in the binder served to illustrate the history of inspections and reports for the properties by the Sustainable Development Team (Fire Department, City of Edmonton Housing Branch and Alberta Health Services).

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They pointed to this paperwork as proof that: they had a history of collaborating with building and health authorities; there were no outstanding public health issues prior to the properties being boarded up for renovation work; the properties were inspected four times a year by Executive Officers from Alberta Health Services; and, in the past, contraventions were either addressed with informal reports outlining work to be completed or work/repair orders.

The Appellants told the Board that in April of 2015 notice was given to the tenants to vacate the properties as they wished to commence renovations. Once the places were vacant, the windows were boarded up and renovations commenced.

The Appellants received two letters, one for each property, dated June 5, 2015, from an Executive Officer of Alberta Health Services. The letters documented that Alberta Health Services had noticed the windows of both properties were boarded up and that a telephone conversation with the Appellants confirmed the properties were vacant and under renovation. The letters continued:

"The premises are to remain secure and vacant until an inspection of the entire premises is conducted by an Executive Officer and permission granted for re-occupancy. The premises, in its entirety must meet the Alberta Housing Regulations and Minimum Housing and Health Standards prior to re-occupancy" and "interim inspections may take place to determine occupancy and/or work in progress".

The Appellants took exception to the tone of the letters and also questioned the authority Alberta Health Services had to stipulate the hours when the work could be completed and the other requirements set out in the letters.

On June 11, 2015 the Sustainable Development team inspected the properties and Alberta Health Services participated in the inspections. The Appellants noted that the 10727 - 93 Street property was not scheduled for an inspection by the Sustainable Development team but they invited them to inspect this property as well.

The written version of the Unfit for Human Habitation Orders were issued on June 15, 2015.

#### **F. RESPONDENT'S SUBMISSIONS**

Alberta Health Services submitted that the Orders were issued pursuant to section 62 of the *Public Health Act* and that the Executive Officer had full authority to issue the Orders in the circumstances. The Respondent reiterated that the Appellants were not contesting that any of the conditions described in the Orders existed at the time of the inspection. The Respondent therefore maintained the Orders should be confirmed by the Public Health Appeal Board.

The Respondent provided two binders of evidence, one for each property. They were entered as exhibits 7 and 8 at the hearing. The binders contained records of Alberta Health Services' dealings with the Appellants concerning the properties.

The Respondent also submitted into evidence *R. v. Goebel*, 2003 ABQB 422, supporting the proposition that it was not the duty of Alberta Health Services to tell owners how to correct defects or with what priority and that no escalation in the severity of orders is required to subsequently order an "Unfit for Human Habitation" order. An Executive Officer had the authority to issue this type of order in the first instance.

The Respondent submitted that the *Act* and its *Regulations* permit an Executive Officer to inspect a rental property even if it is not inhabited. The properties were public places and therefore the Appellants' consent for an inspection was not required. After an inspection, the Executive Officer may issue an Order if the conditions of the premises are such that they are or may become injurious or dangerous to the public health or which might hinder the prevention or suppression of disease. The Respondent submitted that it need not be proven that the conditions were injurious or dangerous to the public health, only that they may become so.

Alberta Health Services submitted that due diligence is not a defence for orders issued pursuant to the *Public Health Act* and that due diligence is only a defence when there is a prosecution pursuant to the *Act*. The case law provided by the Appellants supporting his due diligence defence was distinguished by the Respondent on these grounds.

The Respondent submitted that the title or name of these Orders, Unfit for Human Habitation, were of no consequence and not set out in the *Public Health Act*. Alberta Health Services submitted that the title or name of the Orders was for educational purposes only, that is, so the property owners knew what had to be done to satisfy the conditions of the order.

In addition, a notice of health hazard was registered on title to properties when the contraventions of the *Act* and *Regulations* were serious, not just when properties are declared unfit for human habitation. The Respondent submitted that the Board had no jurisdiction to direct the removal of the notices of health hazard from the titles to the properties.

The Executive Officer explained that the Unfit for Human Habitation Orders with the requirement of environmental testing for mould and asbestos were issued for the following reasons:

- Asbestos concerns as buildings built prior to 1970 and under repair which may disturb materials that could cause harm to the public;
- Possible water leaking behind the walls;
- Enormity of the contraventions;
- The properties were vacant;
- A repair order and an unfit for human habitation order is the same;

- There were long standing files on these properties;
- The history of contraventions, repairs and more contraventions on other properties owned by the Appellants; and
- Lack of confidence in the Appellants to complete the renovations up to the required standards due to their history.

With regard to the Appellants' claim that they were not treated fairly by Alberta Health Services in these instances, the Respondent suggested that the basis for the claim was that the Appellants did not like to be told what to do. In addition, given the number of properties the Appellants owned and that they had only three outstanding Orders, including the two being appealed, it was clear Alberta Health Services was treating the Appellants fairly.

Lastly, the Respondent suggested the Orders only outlined renovations the Appellants were planning to do in any event.

#### **G. INFORMATION RECEIVED AFTER THE HEARING**

After the hearing, the Board received from Alberta Health Services a copy of a Court of Queen's Bench Order dated August 4, 2015 that was issued with regard to these properties. The Applicant was Alberta Health Services and the Respondents were the Appellants in this appeal. The Court Order was with respect to enforcement proceedings pursuant to the *Public Health Act*.

The Board also received correspondence from the Appellants with respect to an inspection by Alberta Health Services of the properties that occurred after the appeal hearing.

The Board's decision was not influenced by the information received by either party after the appeal hearing.

#### **H. ISSUES**

1. Did Alberta Health Services have the legislative authority to inspect these rental properties that were boarded up, uninhabited and under renovation and then issue Orders pursuant to s.62 of the *Public Health Act*.
2. Were the Orders issued by Alberta Health Services declaring the properties to be unfit for human habitation a reasonable exercise of professional discretion given the circumstances that existed at the time the Orders were issued.

#### **I. DECISION**

The Board has decided to vary both Orders as set out below in the SUMMARY section.

#### **J. REASONS**

Alberta Health Services had the legislative authority to inspect the rental properties whether they were inhabited by tenants or not.

The *Public Health Act* states:

s. 59(1) An executive officer may inspect any public place for the purpose of determining the presence of a nuisance or determining whether this Act and the regulations are being complied with.

s. 1(ii) "public place" includes any place in which the public has an interest arising out of the need to safeguard the public health and includes, without limitation....

s. 1(viii) accommodation facilities, including all rental accommodation.

And the *Housing Regulation 173/99* states:

1 (b): "housing premises" means any structure that is used or intended to be used wholly or partly for accommodation purposes and includes

- (i) an apartment building,
- (ii) a dormitory,
- (iii) a dwelling,
- (iv) a hotel or motel,
- (v) a lodging house,
- (vi) a mobile home, and
- (vii) a rooming house (emphasis added)

There was no disagreement between the parties about whether the properties were intended to be used for accommodation purposes. Whether the properties were occupied or not, they would remain public places as defined in the *Act*. In addition, the fact that the properties were under renovation would not alter or remove the Executive Officer's authority to inspect the properties.

As the properties were public as defined in the *Act*, consent of the owner to inspect the premises was not required. The *Act* states:

59(1) An executive officer may inspect any public place for the purpose of determining the presence of a nuisance or determining whether this Act and the regulations are being complied with.

(2) An executive officer making an inspection under subsection (1) may

- (a) at any reasonable hour enter in or on the public place that is the subject of the inspection;
- (b) require the production of any books, records or other documents that are relevant to the purpose of the inspection and examine them, make copies of them or remove them temporarily for the purpose of making copies;
- (c) make reasonable oral or written inquiries of any person who the executive officer believes on reasonable grounds may have information relevant to the subject-matter of the inspection;

- (d) inspect and take samples of any substance, food, medication or equipment being used in or on the public place;
- (e) perform tests, take photographs and make recordings in respect of the public place.

After an inspection the Executive Officer may issue an Order as was done in this instance. Section 62(1) of the *Public Health Act* states:

Where, after an inspection under section 59 or 60, the executive officer has reasonable and probable grounds to believe that a nuisance exists in or on the public place or private place that was the subject of the inspection or that the place or the owner of it or any other person is in contravention of this Act or the regulations, the executive officer may issue a written order in accordance with this section.

And section 62(4) states:

An order may include, but is not limited to, provisions for the following:

- a. requiring the vacating of the place or any part of it;
- b. declaring the place or any part of it to be unfit for human habitation;
- c. requiring the closure of the place or any part of it;
- d. requiring the doing of work specified in the order in, on or about the place;
- e. requiring the removal from the place or the vicinity of the place of anything that the order states causes a nuisance;
- f. requiring the destruction of anything specified in the order;
- g. prohibiting or regulating the selling, offering for sale, supplying, distributing, displaying, manufacturing, preparing, preserving, processing, packaging, serving, storing, transporting or handling of any food or thing in, on, to or from the place.

Once an order has been issued, a notice of health hazard may be registered on the titles to the properties. The *Public Health Act* states:

s.64(1) When an order is issued under section 62, the regional health authority may cause to be filed with the Registrar of Land Titles a notice of health hazard against the registration of any person as transferee or owner of, or any instrument affecting, the land that is the subject of the order, unless the instrument or certificate of title is expressed to be subject to that notice.

(2) A notice of health hazard registered under this section does not lapse and shall not be cancelled or withdrawn except on the receipt by the Registrar of a notice in writing from the regional health authority requesting cancellation or withdrawal.

(3) On registering a notice of health hazard, the Registrar shall notify the person against whose title the notice is registered and notify caveators and mortgagees when the addresses of those persons may be ascertained from the certificate of title.

The Board finds that the Executive Officer had the legislative authority to inspect the Appellants' properties without their consent, issue orders and register notices of health hazard on the titles to the properties.



However, the Board questions if issuing Orders that declared the properties unfit for human habitation was a reasonable exercise of professional discretion given the circumstances that existed when the Orders were issued.

Section 62(1) of the *Public Health Act* does not require the Executive Officer to issue an order after an inspection when contraventions exist and there are reasonable and probable grounds to believe that a nuisance exists. Whether an order is issued or not is discretionary.

In addition, if an order is issued there are several options available to the Executive Officer in s62(4) of the *Act* with respect to what the order will require of the owner and whether a property will be declared unfit for human habitation.

It is the responsibility of the executive officer to exercise his or her professional discretion taking into account all relevant information. The relevant information gathered must be weighed according to its importance in the decision making process. This information then supports the decision that is made.

The Board finds that the Executive Officer, in her exercise of professional discretion when issuing the Orders, did not give sufficient weight to the following circumstances:

- the properties were vacant and under renovation;
- there were no serious contraventions existing on the properties prior to them being boarded up in preparation for renovations; and
- the expectations set out in the phone call and letters between the parties just prior to the inspections.

**Properties were vacant and under renovation:**

The Executive Officer stated that she did take into consideration that the properties were vacant when the Orders were issued and that she was more likely to issue unfit for human habitation orders if the properties were vacant as she prefers not to evict tenants if possible.

In this instance, the Executive Officer gave excessive weight to the fact that the properties were vacant. The Appellants wanted to renovate the properties and in order to do so they had tenants vacate the premises. The properties being vacant should not have been a factor that weighed in favour of declaring the properties unfit for human habitation. The Appellants could not have done significant renovations on the properties if they had been occupied.

The very nature of renovations will sometimes render properties unfit for human habitation. Electrical outlets covers and vent covers are removed for wall repairs and painting. Window screens are removed from windows for repairs and painting. These matters were included as contraventions in the Orders with no indication in the Orders that the properties were undergoing renovations.

Also, the fact that some of the windows were boarded up was included as contraventions in the Orders even though Alberta Health Services required that the buildings be secured during renovations.

These renovation related contraventions formed a part of the Executive Officer's assessment of the "enormity" of the contraventions. Too much weight was placed on the renovation related contraventions in deciding that the properties ought to be declared unfit for human habitation. If the Executive Officer considered the ongoing renovation work being completed to be contraventions, it would have been reasonable to include the context in the Orders, that is, the Orders ought to have clearly set out that the properties were under renovations. This would have resulted in the Orders accurately reflecting the circumstances relating to the properties.

In addition, there was no indication in the Orders that the requirement for environmental testing was solely due to the age of the buildings, built before 1970, and that renovations could potentially disturb asbestos or mould as was explained by Alberta Health Services at the hearing.

A potential lessee or lender reviewing these Orders as issued by the Executive Officer would not have sufficient information or context to judge the true nature of the contraventions and the work that was ordered to be completed. This would be particularly important when orders result in notices of health hazards being registered on titles as they were in this instance.

The Appellants believed that issuing unfit for human habitation orders resulted in notices of health hazards being registered on title to both properties. The *Public Health Act* only requires an order issued pursuant to s. 62 for a notice of health hazard to be registered on title. Alberta Health Services maintained that the title or name of the Order, be it "Unfit for Human Habitation" or a "Repair Order", was irrelevant as the circumstances of either Orders could result in a notice of a health hazard being registered on the titles to the properties.

Alberta Health Services policy was set out in correspondence dated April 28, 2009 to a previous owner of one of the properties and provided by Alberta Health Services in their binder of evidence. It stated:

Alberta Health Services-Capital Health's practice, since 2002, is to register a notice of health hazard against the land title of any premises declared unfit for human habitation. The notice of health hazard serves to advise a caveator, mortgagee or prospective purchaser that an Executive Officer's Order has been issued against the premises. The notice of health hazard does not lapse and cannot be cancelled or withdrawn without the expressed written consent of the Regional Health Authority.

Whether notices of health hazard would have been registered on title if the Orders issued did not declare the properties unfit for human habitation is uncertain. However by not including the context in which the contraventions arose, that is, state that the properties were undergoing renovations, a potential purchaser, lender, lessee or tenant reviewing the orders would not have accurate information from which to make decisions and this could have a negative impact on an owner.

The Board finds that declaring the properties unfit for human habitation and entitling the Orders as Unfit for Human Habitation is not the same as issuing what is referred to as a "Repair Order" or a "Work Order". A reasonable person, including a lender, lessee or potential tenant or purchaser would assume that an Unfit for Human Habitation Order is more serious than an Order that merely requires work to be completed or repairs to be made. It is reasonable that an owner would believe that there is a stigma attached to an "Unfit for Human Habitation Order" that would not be found in other orders.

In this situation, Alberta Health Services placed too much weight on the condition of the properties that were the result of renovations. When those contraventions are considered in context, a reasonable decision would have been not to find the properties unfit for human habitation. The Appellants referred to the renovations that were underway as a "due diligence defence". There is no due diligence defence for these statutory contraventions cited in the Orders. However, the circumstances known by Alberta Health Services, including the renovations that had commenced, ought to have been considered and weighed accordingly in the exercise of professional discretion.

#### **Ongoing Inspections and History of Inspections:**

The evidence before the Board was that these two properties were regularly inspected every 3 months by several departments, including the Fire Protection Branch, the Sustainable Development Department and Alberta Health Services. There were no major issues with the properties prior to them being vacated and boarded up for renovations.

At the hearing, the Executive Officer cited the Appellants' previous history with respect to other properties as one of the rationale for issuing the Orders, although she did not review the Health Services' files for these properties.

The condition of the properties prior to the renovations commencing ought to have been considered when exercising professional discretion and deciding if an order ought to be issued and if so, what type of order was appropriate in the circumstances. Given the history of inspections for these properties prior to renovations commencing and that there were no major contraventions, declaring the properties unfit for human habitation during the renovation process was not reasonable.

#### **Interactions between the parties prior to the inspections**

The binders of evidence provided by Alberta Health Services included notes dated June 5, 2015 by two Executive Health Officers, Ingrid Bohac, who issued the two Orders and Chelsey Velthuisen. The notes were with respect to a telephone conversation that occurred on that date between one of the Appellants, Mr. Pervez, and Ms. Velthuisen. Her notes read as follows (unedited):

Phone conversation between Camen Pervez. Phone call was on speaker and was witnessed by EHO I. Bohac and partly by EHO K. Dong.

Carmen was advised that the phone conversation was being witnessed by EHO I. Bohac.

Requested a full inspection of the premises at 10741 93 Street and 10727 93 Street on Monday, June 8, 2015

Carmen refused to allow the inspections, stating the premises were vacant therefore no need for an inspection. Confirmed with Carmen that he would not allow us to enter the premises. He stated, yes, you cannot enter as they are vacant.

Advised Carmen that a re-inspection will be required prior to occupancy of the premises. Carmen indicated he would call prior to occupancy. (*sic*)

The notes from the Executive Officer, Ingrid Bohac, who issued the Orders were similar:

A phone conversation occurred between the owner of the property and EHO Chelsey Velthuizen – it was requested that the rental property stay vacant until the minimum housing and health standard is met as it is presently boarded – an inspection was request of the premises for Monday 08 June 2015 – he refused on the grounds that as it was vacant at this time it was not considered public property – he stated very clearly that this property would not be rented until the regulations were met (*sic*)

On June 5, 2015, the same date the telephone conversation occurred, Alberta Health Services sent two letters to the Appellants, one for each property. Each letter stated:

The above noted premises was observed to be boarded from the exterior on June 4, 2015. During a phone conversation with Carmen Pervez on June 5, 2015 it was confirmed that the premises was vacant.

The premises are to remain secure and vacant until an inspection of the entire premises is conducted by an Executive Officer and permission granted for re-occupancy. The premises, in its entirety must meet the Alberta Housing Regulation and Minimum Housing and Health Standards prior to re-occupancy.

Please be advised that during renovations and repairs the building must be kept secure:

- Board and/or secure must be completed at the end of each work day (reasonable hours of work are between 7 am and 9 pm; additional time periods MAY be considered.)
- Access must be supervised by the owner and/or property manager (please provide name of the designated individual(s) who will be in charge of the project.
- Any mechanical work must be undertaken by qualified contractors (heating, plumbing and electrical) whose certificates and/or registration are verifiable
- Interim inspections may take place to determine occupancy and/or work in progress.

Methods and materials used to secure the building are subject to requirements of the City of Edmonton for appearance and maintenance.

The Board finds these letters set the stage for future interactions between the parties with respect to the two properties. Although the phone call and letters did not preclude Alberta Health Services from inspecting the properties prior to the renovations being completed or from issuing orders, it would have been reasonable for the Appellant to believe that any inspection that occurred prior to completion of the renovations would relate to occupancy or the progress of the renovations.

The Executive Officer's testimony was unclear about whether she was aware of the letters prior to issuing the Orders. They had been sent by the other Executive Officer who had the conversation with one of the Appellants however, she did consult with a superior and other Executive Health Officers prior to issuing the Orders.

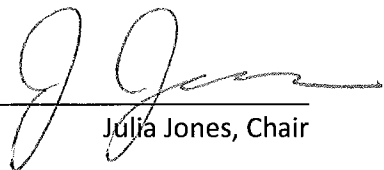
The phone call and the letters were one of the circumstances that ought to have been considered and properly weighted when the Executive Officer was exercising her professional discretion and deciding if Orders should be issued and if so, whether the property ought to be declared unfit for human habitation. As there was an agreement between the parties that the properties would be inspected prior to them being re-occupied, it was not reasonable for orders issued prior to the renovations being completed to declare the properties unfit for human habitation. It would have been reasonable, if an order was issued, to set out work that was required to be completed during the renovation process but not to declare the properties unfit for human habitation.

#### K. SUMMARY

While the Executive Officer had legislative authority to issue Orders, the Board finds that declaring the properties unfit for human habitation and not providing context for the contraventions set out in the Orders, was not a reasonable exercise of professional discretion in the circumstances.

Having considered all of the evidence and the submissions of the parties, the Board has decided to vary the Orders as follows:

1. in the title section of the Orders remove "UNFIT FOR HUMAN HABITATION";
2. add "AND WHEREAS the premises are undergoing renovations and were built prior to 1970;" after the first paragraph of each Order; and
3. remove "AND WHEREAS, by virtue of the foregoing, the above noted premises are hereby declared Unfit for Human Habitation".

Per  \_\_\_\_\_  
Julia Jones, Chair

Also Sitting:  
Ron Everard, Vice Chair  
Linda Cloutier, Member  
Linda Klein, Member



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

**To:**                   **1443028 Alberta Ltd**                   **Gohar Tasneem**  
                          **"the owner"**                               **"the owner"**

**Home Placements Systems**           **Sarah Fassman**  
                          **"property manager"**                   **"property manager"**

**Gohar (Carmen) Pervez**  
                          **"property manager"**

**RE:**                   Plan RN23, Block 17, Lot 7  
                          Municipally known as Main Floor Suites, 10727 – 93 Street, Edmonton, AB  
                          T5H 1Y2

**WHEREAS** I, an **Executive Officer** of **Alberta Health Services**, have inspected the above 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 the prevention or suppression of disease, namely:

- a. None of the smoke alarms in the four bedrooms were functioning.
- b. The window screen was missing for the kitchen.
- c. The window screen was missing for the North West bedroom.
- d. The window screen was missing for the North center bedroom.
- e. The window screen was missing for the North East bedroom.
- f. The window screen was missing for the South East bedroom.
- g. The window screen was missing for the bathroom.
- h. There was a window pane in the bathroom that was cracked.
- i. The edge of kitchen counter was unfinished wood.

- j. Light from the outside could be seen around frame for the front and the back entrance doors when they were closed, suggesting the door was not weatherproof.
- k. The bathroom faucet had a continuous drip.
- l. The kitchen faucet had a continuous drip.
- m. The opening and closing hardware for the window in the kitchen was broken.
- n. Grout was missing between the ceramic floor tiles in the hallway and kitchen area.
- o. Several ceramic floor tiles were cracked or missing for the front and back hallway areas.
- p. Unfinished wood flooring, which had been water damaged, was observed around the pedestal sink in the bathroom.
- q. The window had been boarded up from the exterior of the premises in the North center bedroom that was being used for the purposes of sleeping, as beds, bedding and other personal items were observed.
- r. Both windows had been boarded up from the exterior of the premises in the North East bedroom that was being used for the purposes of sleeping, as beds, bedding and other personal items were found in this room.
- s. The window in the North Center Bedroom had been improperly painted resulting in the window being stuck in the open position, i.e. unable to close
- t. The window in the North East Bedroom had been improperly painted, resulting in the window being stuck in the open position, i.e. unable to close.
- u. The window in the South East Bedroom had been improperly painted, resulting in the window being stuck in the open position, i.e. unable to close.
- v. The window in the bathroom had been improperly painted, resulting in the window being stuck in the open position, i.e. unable to close.
- w. On the South side of the premises the cement side walk is very uneven with large pieces of concrete missing, which creates a tripping hazard.

**AND WHEREAS** such inspection disclosed that the following breaches of the Public Health Act and the Nuisance and General Sanitation Regulation there under exist in and about the above noted premises, namely:

- a. None of the smoke alarms in the four bedrooms were functioning which is in contravention of section IV(12)(a) of the Minimum Housing and Health Standards

which states that: Smoke alarms shall be operational and in good repair at all times.

- b. The window screen was missing for the kitchen which 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. The window screen was missing for the North West bedroom which 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.
- d. The window screen was missing for the North center bedroom which 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.
- e. The window screen was missing for the North East bedroom which 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.
- f. The window screen was missing for the South East bedroom which 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.
- g. The window screen was missing for the bathroom which 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.
- h. There was a window pane in the bathroom that was cracked which 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 weather proofed.
- i. The edge of kitchen counter was unfinished wood which 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.

- j. Light from the outside could be seen around frame for the front and the back entrance doors when they were closed, suggesting the door was not weatherproof which 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 weather proofed.
- k. The bathroom faucet had a continuous drip which is in 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.
- l. The kitchen faucet had a continuous drip which is in 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.
- m. The opening and closing hardware for the window in the kitchen was broken which is in contravention of which 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 weather proofed.
- n. Grout was missing between the ceramic floor tiles in the hallway and kitchen area which 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. Several ceramic floor tiles were cracked or missing for the front and back hallway areas which 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.
- p. Unfinished wood flooring, which had been water damaged, was observed around the pedestal sink in the bathroom which 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.
- q. The window had been boarded up from the exterior of the premises in the North center bedroom that was being used for the purposes of sleeping, as beds,

bedding and other personal items were observed which is in contravention of section III(3)(b)(i) of the Minimum Housing and Health Standards which states that: Windows referred to in section 3 (b)(i) shall provide unobstructed openings with areas not less than 0.35 m<sup>2</sup> (3.8ft<sup>2</sup>), with no dimension less than 380 mm (15").

- r. Both windows had been boarded up from the exterior of the premises in the North East bedroom that was being used for the purposes of sleeping, as beds, bedding and other personal items were observed which is in contravention of section III(3)(b)(i) of the Minimum Housing and Health Standards which states that: Windows referred to in section 3 (b)(i) shall provide unobstructed openings with areas not less than 0.35 m<sup>2</sup> (3.8ft<sup>2</sup>), with no dimension less than 380 mm (15").
- s. The window in the North Center Bedroom had been improperly painted resulting in the window being stuck in the open position, i.e. unable to close which 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 weather proofed.
- t. The window in the North East Bedroom had been improperly painted, resulting in the window being stuck in the open position, i.e. unable to close which 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 weather proofed.
- u. The window in the South East Bedroom had been improperly painted, resulting in the window being stuck in the open position, i.e. unable to close. which 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 weather proofed.
- v. The window in the bathroom had been improperly painted, resulting in the window being stuck in the open position, i.e. unable to close which 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 weather proofed.
- w. On the South side of the premises the cement side walk is very uneven with large pieces of concrete missing, which creates a tripping hazard which 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.

**AND WHEREAS**, by virtue of the foregoing, the above noted premises are hereby declared Unfit for Human Habitation.

NOW THEREFORE, I hereby **ORDER** and **DIRECT**:

1. That the above noted premises be **secured from any and all unauthorized entry**.
2. That, if the above noted premises are to be reoccupied, the Owner undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
  - a. Retain the services of an **Environmental Consultant who should have current, active membership in a related professional organization or certifying body and shall be first approved in writing by Alberta Health Services** to assess the conditions within the above noted premises including the carrying out of environmental air quality analyses of the interior spaces (including if applicable the attic, wall and floor cavities, and crawlspaces) for water and mould damage and perform applicable sampling for asbestos containing materials. Ensure that any additional renovation work, including painting, reinstallation of drywall and laying of new flooring and/or sub floors does not occur until suitable air sample results are received and are to the satisfaction of Alberta Health Services.
  - b. Ensure that all building materials that have been damaged or show evidence of deterioration is repaired or replaced.
  - c. Ensure all windows and doors are maintained in good repair, free of cracks and weatherproof and weatherproof.
  - d. Ensure that all windows and doors are capable of being secured.
  - e. Ensure all openable windows are provided with insect screens and that the insect screens are in good condition.
  - f. Ensure all bedroom windows are provided with an unobstructed openings with areas not less than 0.35 m<sup>2</sup> (3.8ft<sup>2</sup>), with no dimension less than 380 mm (15")
  - g. Ensure that the kitchen is in good repair and all appliances are in good operating condition.
  - h. Ensure all outlets, switches and fixtures are properly installed and maintained in a good and safe working condition.
  - i. Ensure that all plumbing is serviceable, free from leaks and trapped and vented to the outside of the premises.
  - j. Ensure that a functioning smoke alarm situated on the ceiling by the bedrooms.
  - k. Ensure 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. Rooms that contain a flush toilet and bathtub or shower must have walls that are form a watertight joint with each other, the floor, the ceiling and where applicable with the bathtub or shower.
  - l. Ensure all exterior vents are covered to ensure that unwanted pests do not enter the premises.

- m. Ensure that the roof and all exterior cladding of the walls is maintained in a waterproof, windproof, and weatherproofed.
  - n. Take any further steps in the interests of preserving and maintaining the health of any person who may, in the future, occupy the above noted premises as may be required by the Executive Officer.
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 vacant and secure from unauthorized entry.

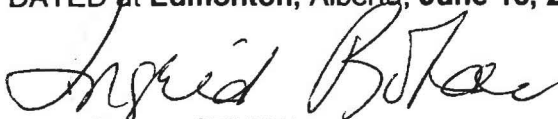
**Be Advised:**

***The above conditions were noted at the time of inspection and may not necessarily reflect all deficiencies; you are advised that further repairs may be required to ensure full compliance of the Public Health Nuisance regulation, prior to being allowed to occupy the premises.***

***Any building upgrades or modifications may be subject to municipality planning and development department reviews and the procuring of proper permits.***

***Should this premises become a rental all parameters set out in the Minimum Housing and Health Standard must be implemented.***

DATED at Edmonton, Alberta, June 15, 2015.



Ingrid Bohac, CPHI(C)  
Executive Officer  
Alberta Health Services

tel: (780) 735-1787 fax: (780) 735-1801

**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](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)***



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

**To:**                    **1443028 Alberta Ltd**                    **Gohar Tasneem**  
                              **"the owner"**                                **"the owner"**

**Home Placements Systems**            **Sarah Fassman**  
                              **"property manager"**                    **"property manager"**

**Gohar (Carmen) Pervez**  
                              **"property manager"**

**RE:**                    Plan 1653AI, Block 20, Lot 2  
                              Municipally known as 10741 – 93 street street, Edmonton, AB T5H 1Y4

**WHEREAS** I, an **Executive Officer** of **Alberta Health Services**, have inspected the above 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 the prevention or suppression of disease, namely:

- a. On the South side of the premises the cement side walk is very uneven with large pieces of concrete missing creating a tripping hazard
- b. The edge of the 4<sup>th</sup> step was broken on the stairs between the 2<sup>nd</sup> and 3<sup>rd</sup> floor
- c. Spacing of spindles for the steps located at the rear of the premises leading to the 2<sup>nd</sup> and 3<sup>rd</sup> floors were too wide, a spindle width was measured to be 8 inches wide or 0.20 meters
- d. The height of the guard for the stairs located at the rear of the property leading to the 2<sup>nd</sup> and 3<sup>rd</sup> floor was measured to be 31 inches or 0.79 meters with an elevation difference of greater than six feet, which is too low
- e. The height of the guard for the 2<sup>nd</sup> floor landing located at the rear of the property was measured to be 41.2 inches or 1.05 meters high with an elevation difference of greater than six feet, which is too high

- f. The window screen was missing for the 2<sup>nd</sup> floor ensuite bathroom
- g. The window screen was missing for the 2<sup>nd</sup> floor bathroom with the bathtub
- h. The window screen was missing for the 2<sup>nd</sup> floor East bedroom
- i. The window screen was missing for the 2<sup>nd</sup> floor kitchen
- j. The window screen was missing for the 3<sup>rd</sup> floor West bedroom
- k. The window screen was missing for the 2<sup>nd</sup> floor bathroom with the bathtub
- l. The window screen was missing for the main floor North bedroom
- m. A large hole was seen in the wall by the toilet, in the ensuite bathroom located on the 2<sup>nd</sup> floor
- n. Wall damage including chipped paint was seen on the wall in the East bedroom located on the 2<sup>nd</sup> floor
- o. There were several holes and areas of unfinished drywall on the wall located in the North bedroom on the main floor
- p. There was a hole and areas of unfinished drywall on the walls in the hallway located on the 2<sup>nd</sup> floor.
- q. There were areas of unfinished drywall on the wall in the hallway located on the main floor
- r. A large portion of drywall was missing in the closet located in the West bedroom located on the 3<sup>rd</sup> floor
- s. The bathroom sink was not attached to the wall properly for the ensuite bathroom located on the 2<sup>nd</sup> floor
- t. The North East bedroom door frame located on the 2<sup>nd</sup> floor was in disrepair, the metal piece on the door frame used to assist in keeping the door closed was missing a screw, and raw damaged wood was exposed
- u. The North East bedroom door located on the 2<sup>nd</sup> floor was in disrepair, including cracked and splintered wood
- v. The North West bedroom door frame located on the 2<sup>nd</sup> floor was in disrepair, including a missing bottom metal piece on the door frame used to assist in keeping the door closed, there was a screw sticking out of this and raw damaged wood was exposed

- w. The door frame for the door in the East bedroom located on the 3<sup>rd</sup> floor had unfinished, damaged wood
- x. Part of the trim was missing around the front entrance door frame located on the main floor
- y. The door knob was missing for the front entrance door located on the main floor
- z. Light could be seen around the front entrance door frame when the door was closed, therefore the door is not weatherproof
- aa. A window pane was missing for the window in the West bedroom located on the 3<sup>rd</sup> floor.
- bb. The window located in the main floor hallway was single paned
- cc. The grout was chipping in between the ceramic tiles in the bathroom with the bathtub located on the 2<sup>nd</sup> floor
- dd. There was a piece of the linoleum flooring missing that exposed the plywood sub floor in the South West Bedroom located on the 2<sup>nd</sup> floor
- ee. The flooring in the North West Bedroom located on the 2<sup>nd</sup> floor was cracked with several pieces of the linoleum missing exposing the plywood sub floor
- ff. There were large gaps with part of the finished surface missing for the laminate flooring located on the 3<sup>rd</sup> floor and the main floor
- gg. The wooden bottom under the kitchen sink located on the 2<sup>nd</sup> floor had a large piece of wood missing where the plumbing pipe exits. Additionally, the finished surface show signs of water damage
- hh. The opening, closing and locking hardware for the window in the kitchen located on the 2<sup>nd</sup> floor was broken. There is a large gap between the window and the window frame preventing complete closure of the window
- ii. The cover plate for the electrical outlet was missing in the South West bedroom located on the 2<sup>nd</sup> floor
- jj. A newly installed window in the North West room that was previously used as a bedroom had unfinished drywall surrounding the window also, this window was measure and the unobstructed opening was found to be 17 X 20.5 inches or 0.43 X 0.52 meters, which is too small for emergency egress
- kk. A newly installed window in the North West room that was previously used as a bedroom had unfinished drywall surrounding the window also, this window was



measure and the unobstructed opening was found to be 13.5 X 26 inches or 0.34 X 0.66 meters, which is too small for emergency egress

ll. There was an active plumbing leak on the ceiling in the North West room, this was confirmed by using protimeter (moisture meter), indicating the entire wall has been saturated by water

mm. There was no natural or mechanical ventilation for the bathroom with the shower located on the main floor

**AND WHEREAS** such inspection disclosed that the following breaches of the Public Health Act and the Nuisance and General Sanitation Regulation there under exist in and about the above noted premises, namely:

- a. On the South side of the premises the cement side walk is very uneven with large pieces of concrete missing creating a tripping hazard which 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.
- b. The edge of the 4<sup>th</sup> step was broken on the stairs between the 2<sup>nd</sup> and 3<sup>rd</sup> floor which is in 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, hand 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.
- c. Spacing of spindles for the steps located at the rear of the premises leading to the 2<sup>nd</sup> and 3<sup>rd</sup> floors were too wide, a spindle width was measured to be 8 inches wide or 0.20 meters which is in 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, hand 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.
- d. The height of the guard for the stairs located at the rear of the property leading to the 2<sup>nd</sup> and 3<sup>rd</sup> floor was measured to be 31 inches or 0.79 meters with an elevation difference of greater than six feet, which is too low which is in 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, hand 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.
- e. The height of the guard for the 2<sup>nd</sup> floor landing located at the rear of the property was measured to be 41.2 inches or 1.05 meters high with an elevation difference of greater than six feet, which is too high which is in 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, hand 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.

- f. The window screen was missing for the 2<sup>nd</sup> floor ensuite bathroom which 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.
- g. The window screen was missing for the 2<sup>nd</sup> floor bathroom with the bathtub which 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.
- h. The window screen was missing for the 2<sup>nd</sup> floor East bedroom which 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.
- i. The window screen was missing for the 2<sup>nd</sup> floor kitchen which 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.
- j. The window screen was missing for the 3<sup>rd</sup> floor West bedroom which 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.
- k. The window screen was missing for the 2<sup>nd</sup> floor bathroom with the bathtub which 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.
- l. The window screen was missing for the main floor North bedroom which 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.

- m. A large hole was seen in the wall by the toilet, in the ensuite bathroom located on the 2<sup>nd</sup> floor which 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.
- n. Wall damage including chipped paint was seen on the wall in the East bedroom located on the 2<sup>nd</sup> floor which 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. There were several holes and areas of unfinished drywall on the wall located in the North bedroom on the main floor which 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.
- p. There was a hole and areas of unfinished drywall on the walls in the hallway located on the 2<sup>nd</sup> floor which 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.
- q. There were areas of unfinished drywall on the wall in the hallway located on the main floor which 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.
- r. A large portion of drywall was missing in the closet located in the West bedroom located on the 3<sup>rd</sup> floor which 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.
- s. The bathroom sink was not attached to the wall properly for the ensuite bathroom located on the 2<sup>nd</sup> floor which is in contravention of section III of the Minimum Housing and Health Standards which states that: The owner shall ensure that the housing premises is structurally sound, in a safe condition, in good repair, and maintained in a waterproof, windproof and weatherproof condition.

- t. The North East bedroom door frame located on the 2<sup>nd</sup> floor was in disrepair, the metal piece on the door frame used to assist in keeping the door closed was missing a screw, and raw damaged wood was exposed which is in contravention of section III of the Minimum Housing and Health Standards which states that: The owner shall ensure that the housing premises is structurally sound, in a safe condition, in good repair, and maintained in a waterproof, windproof and weatherproof condition.
- u. The North East bedroom door located on the 2<sup>nd</sup> floor was in disrepair, including cracked and splintered wood which is in contravention of section III of the Minimum Housing and Health Standards which states that: The owner shall ensure that the housing premises is structurally sound, in a safe condition, in good repair, and maintained in a waterproof, windproof and weatherproof condition.
- v. The North West bedroom door frame located on the 2<sup>nd</sup> floor was in disrepair, including a missing bottom metal piece on the door frame used to assist in keeping the door closed, there was a screw sticking out of this and raw damaged wood was exposed which is in contravention of section III of the Minimum Housing and Health Standards which states that: The owner shall ensure that the housing premises is structurally sound, in a safe condition, in good repair, and maintained in a waterproof, windproof and weatherproof condition.
- w. The door frame for the door in the East bedroom located on the 3<sup>rd</sup> floor had unfinished, damaged wood which is in contravention of section III of the Minimum Housing and Health Standards which states that: The owner shall ensure that the housing premises is structurally sound, in a safe condition, in good repair, and maintained in a waterproof, windproof and weatherproof condition.
- x. Part of the trim was missing around the front entrance door frame located on the main floor which 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 door knob was missing for the front entrance door located on the main floor which 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 weather proofed.
- z. Light could be seen around the front entrance door frame when the door was closed, therefore the door is not weatherproof which 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 weather proofed.

- aa. A window pane was missing for the window in the West bedroom located on the 3<sup>rd</sup> floor which 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 weather proofed.
  
- bb. The window located in the main floor hallway was single paned which is in 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.
  
- cc. The grout was chipping in between the ceramic tiles in the bathroom with the bathtub located on the 2<sup>nd</sup> floor which 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.
  
- dd. There was a piece of the linoleum flooring missing that exposed the plywood sub floor in the South West Bedroom located on the 2<sup>nd</sup> floor which 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.
  
- ee. The flooring in the North West Bedroom located on the 2<sup>nd</sup> floor was cracked with several pieces of the linoleum missing exposing the plywood sub floor which 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.
  
- ff. There were large gaps with part of the finished surface missing for the laminate flooring located on the 3<sup>rd</sup> floor and the main floor which 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.
  
- gg. The wooden bottom under the kitchen sink located on the 2<sup>nd</sup> floor had a large piece of wood missing where the plumbing pipe exits. Additionally, the finished surface show signs of water damage which 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.

- hh. The opening, closing and locking hardware for the window in the kitchen located on the 2<sup>nd</sup> floor was broken. There is a large gap between the window and the window frame preventing complete closure of the window which is in 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.
- ii. The cover plate for the electrical outlet was missing in the South West bedroom located on the 2<sup>nd</sup> floor which is in 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.
- jj. A newly installed window in the North West room that was previously used as a bedroom had unfinished drywall surrounding the window also, this window was measure and the unobstructed opening was found to be 17 X 20.5 inches or 0.43 X 0.52 meters, which is too small for emergency egress which is in contravention of section III(3)(b)(i) of the Minimum Housing and Health Standards which states that: Windows referred to in section 3 (b)(i) shall provide unobstructed openings with areas not less than 0.35 m<sup>2</sup> (3.8ft<sup>2</sup>), with no dimension less than 380 mm (15").
- kk. A newly installed window in the North West room that was previously used as a bedroom had unfinished drywall surrounding the window also, this window was measure and the unobstructed opening was found to be 13.5 X 26 inches or 0.34 X 0.66 meters, which is too small for emergency egress which is in contravention of section III(3)(b)(i) of the Minimum Housing and Health Standards which states that: Windows referred to in section 3 (b)(i) shall provide unobstructed openings with areas not less than 0.35 m<sup>2</sup> (3.8ft<sup>2</sup>), with no dimension less than 380 mm (15").
- ll. There was an active plumbing leak on the ceiling in the North West room, this was confirmed by using protimeter (moisture meter), indicating the entire wall has been saturated by water which is in 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.
- mm. There was no natural or mechanical ventilation for the bathroom with the shower located on the main floor which is in contravention of section IV(7)(c) of the Minimum Housing and Health Standards which states that: All rooms containing a flush toilet and/or bathtub or shower shall be provided with natural or mechanical ventilation.

**AND WHEREAS**, by virtue of the foregoing, the above noted premises are hereby declared Unfit for Human Habitation.

NOW THEREFORE, I hereby **ORDER** and **DIRECT**:

1. That the above noted premises be **secured from any and all unauthorized entry**.
2. That, if the above noted premises are to be reoccupied, the Owner undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
  - a. Retain the services of an **Environmental Consultant who should have current, active membership in a related professional organization or certifying body and shall be first approved in writing by Alberta Health Services** to: assess the conditions within the above noted premises including the carrying out of environmental air quality analyses of the interior spaces (including if applicable the attic, wall and floor cavities, and crawlspaces) for water and mould damage and perform applicable sampling for asbestos containing materials. Ensure that any additional renovation work, including painting, reinstallation of drywall and laying of new flooring and/or sub floors does not occur until suitable air sample results are received and are to the satisfaction of Alberta Health Services.
  - b. Ensure that all building materials that have been damaged or show evidence of deterioration is repaired or replaced.
  - c. Ensure all windows and doors are maintained in good repair, free of cracks and weatherproof and weatherproof.
  - d. Ensure that all windows and doors are capable of being secured.
  - e. Ensure all openable windows are provided with insect screens and that the insect screens are in good condition.
  - f. Ensure all bedroom windows are provided with an unobstructed openings with areas not less than 0.35 m<sup>2</sup> (3.8ft<sup>2</sup>), with no dimension less than 380 mm (15")
  - g. Ensure that the kitchen is in good repair and all appliances are in good operating condition.
  - h. Ensure all outlets, switches and fixtures are properly installed and maintained in a good and safe working condition.
  - i. Ensure that all plumbing is serviceable, free from leaks and trapped and vented to the outside of the premises.
  - j. Ensure that all rooms containing a flush toilet, bathtub or shower are provided with natural or mechanical ventilation.
  - k. Ensure that a functioning smoke alarm situated on the ceiling by the bedrooms.
  - l. Ensure 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. Rooms that contain a flush toilet and bathtub or shower must have walls that are form a watertight joint

- with each other, the floor, the ceiling and where applicable with the bathtub or shower.
- m. Ensure all exterior vents are covered to ensure that unwanted pests do not enter the premises.
  - n. Ensure all interior and exterior stairs and supporting structural member, rails and guards are in good repair and comply with the requirements of the Alberta Building Code.
  - o. Ensure that the roof and all exterior cladding of the walls is maintained in a waterproof, windproof, and weatherproofed.
  - p. Take any further steps in the interests of preserving and maintaining the health of any person who may, in the future, occupy the above noted premises as may be required by the Executive Officer.
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 vacant and secure from unauthorized entry.

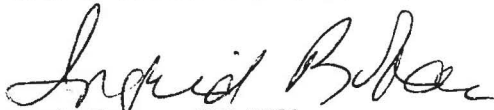
**Be Advised:**

***The above conditions were noted at the time of inspection and may not necessarily reflect all deficiencies; you are advised that further repairs may be required to ensure full compliance of the Public Health Nuisance regulation, prior to being allowed to occupy the premises.***

***Any building upgrades or modifications may be subject to municipality planning and development department reviews and the procuring of proper permits.***

***Should this premises become a rental all parameters set out in the Minimum Housing and Health Standard must be implemented.***

DATED at Edmonton, Alberta, June 15, 2015.



Ingrid Bonac, CPHI(C)  
Executive Officer  
Alberta Health Services

tel: (780) 735-1787 fax: (780) 735-1801

Confirmation of an oral order issued to **Gohar (Carmen) Pervez June 11, 2015.**

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