

TALES FROM THE TRENCHES

BY BARRY C. MCGUIRE

November, 2011

Diligence with Alberta Health Services.

Alberta Health Services is now the umbrella organization for regional health districts. Nothing has changed but the name. There are still those diligence issues that you have to know about. Alberta Health Services administers not only the Public Health Act, but also Minimum Housing and Health Standards. Here's a quote from their website,

Public health inspectors follow-up on complaints received by tenants or other agencies about housing conditions such as no heat, water problems, structural problems and pests problems from mice, other rodents, bed bugs and other insects. If the housing conditions could be dangerous to the tenants, public health inspectors work with landlords to repair or remove these conditions or REQUIRE TENANTS TO MOVE OUT, (emphasis mine).

One of the key items in the above quotation is that Alberta Health Services acts on complaints received from tenants. Following are a couple of excerpts from member's e-mails.

We are having a situation at this condo. We are in the process of evicting the tenant there—we have a judgement against her and the bailiff is dealing with her this weekend. However, in the meantime she phoned Alberta Health Services and had them come out to the place in the hopes of stalling her eviction. Well, it didn't stall her eviction—but Alberta Health Services now has us on notice for a couple of items.

The first one is for mice.

The second is more serious. She measured the windows in the two bedrooms and found that they only have an opening of 12 inches. Alberta safety law says they need to have openings of at least 15 inches. She said that they need to be changed out or that the rooms could not be used as bedrooms. She said that she will be monitoring the situation even once the current tenant is gone to make sure that no future people are using them as bedrooms either unless the windows get changed. So, this is a big issue as it is a condo and the owner is not allowed to change windows on her own. Please give me a call at your earliest convenience so we can discuss what can be done.

And here is another e-mail from a different member.

We received a letter from Alberta Health Services (attached) regarding a safety issue in a condo complex where I have three rental units. The issue is one of the bedrooms not having a proper egress window. Their recommendation in the letter is: 'All owners utilizing the affected condominium units as rental property are to immediately discontinue the use of the affected rooms for the purposes of sleeping.'

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We talked to the Environmental Health Officer this morning to know our options, as owners, to comply with their regulations. Basically she said that, as owners, there are NO options. We could remove the wall from one bedroom to the room in question. This way, we would comply with Alberta Health Services and safety code. However, in my case as well as the other owners, we bought properties with 3 bedrooms that suddenly are converted into 2 bedrooms, or we can leave things the way they are and have 2 bedrooms and den.

We made some suggestions, such as having a pocket door between the two bedrooms. But they cannot accept that because people will put locks on the doors or otherwise obstruct them. Digging into the subject, she told that she has been working in this assignment for four months and the building should NOT have been approved by the City of Edmonton. There were other health inspectors in there and nobody mentioned the problem. The building was built in 1977!!! It has been over 30 years that people are sleeping in that bedroom.

She said that the Condo Board should hire a Structural Engineer and have an assessment, present some solutions to Alberta Health and they can analyse and see what we can do.

So, what is the result of not understanding your obligations under the Minimum Housing and Health Standards? Alberta Health Services points us toward a fatal basement suite fire in a rental property. The landlords were convicted of numerous charges under the Public Health Act and received heavy, heavy fines.

Lessons Learned:

1. It's your job to know your obligations as a landlord under the Public Health Act and the Minimum Housing and Health Standards.
2. Alberta Health Services says they want to work with you. That's good, because they have the power to force you to fix or change your rental properties.
3. There is no grandfathering in Alberta Health Services. It doesn't matter if it was proper and legal in the past. They can make you meet current standards.

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