

Subject: **NOTICES REGISTERED PURSUANT TO SECTION 64 OF
THE PUBLIC HEALTH ACT**

BACKGROUND

Any public or private place may be inspected to determine the presence of a “nuisance” that contravenes the Public Health Act (Act). (1) A nuisance is a condition that is or may become, injurious or dangerous to the public health or might hinder the prevention or suppression of disease. If a nuisance is found to exist or if the owner is in contravention of the Act or Regulation, an order may be issued pursuant to section 62 of the Act. When such an order is in effect, the Regional Health Authority may register with the Land Titles Office, a notice of health hazard against the appropriate certificate of title. (2)

There is no prescribed form for the notice.

REGISTRATION PROCEDURE

1. The Regional Health Authority must submit the notice of health hazard on their letterhead and sign the notice under their seal. These documents will arrive in the Registration Area in red folders.
2. It should include the legal description and identify the names or alleged names of the registered owners, however if the registered owners on title are not consistent with the notice, it should not be rejected for this reason.
3. The notice should be accompanied by a copy of the order issued pursuant to section 62 of the Act.
4. Use document type NHHR when registering.
5. A notice of the registered document must be sent to the registered owner(s), caveator(s) and mortgagee(s) on title. (3)

CANCELLATION OR WITHDRAWAL OF NOTICE

A notice of health hazard cannot be lapsed and can only be cancelled or withdrawn by the Regional Health Authority. The cancellation should not be rejected if the registered owner is not the same as the owner shown on title.

The request for cancellation or withdrawal of the notice must be submitted on the letterhead of the Regional Health Authority and signed under their seal. (4) (Use document type DISO on ALTA.)

FEES

[Tariff item 11\(6\)](#) is charged for registration of the Notice of Health Hazard. [Tariff item 13](#) is charged for the cancellation.

STATUTE REFERENCES

Statute references are to the Public Health Act, R.S.A. 2000, c. P-37.

1. s. 59(1), 60
2. s. 64(1)
3. s. 64(3)
4. s. 64(2)