

**IN THE MATTER OF THE PUBLIC HEALTH ACT – ALBERTA**  
**ORDER OF AN EXECUTIVE OFFICER**

**To:** Ivory Restaurant & Banquet Corporation/ Sandeep Kaushal & Vickram Sahiwal  
226 Taracove Landing NE,  
Calgary, Alberta T3J 4T3

**Re:** The Food Establishment located in Calgary, Alberta and municipally described as:  
2<sup>nd</sup> Floor, 130 3<sup>rd</sup> Ave. SE  
Calgary, Alberta

WHEREAS I, an **Executive Officer** of the **Calgary Health Region**, have inspected the above noted Food Establishment 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 food establishment which are or may become injurious or dangerous to the public health or which might hinder the prevention or suppression of disease, namely:

- a. Carpets water soaked by flooding on or around January 27<sup>th</sup>, 2008 not yet removed
- b. Decaying mice in ceiling plenum
- c. Water damaged ceiling tiles not yet removed
- d. Black mould growth on kitchen ceiling
- e. Small quantities of samosas, ice cream and other foods left in unplugged refrigeration units
- f. Box of rotting potatoes on shelf

AND WHEREAS such inspection disclosed that the following breaches of the Public Health Act Food Regulation, Alberta Regulation 31/2006 and the Nuisance and General Sanitation Regulation 243/2003 exist in and about the above noted Food Establishment, namely:

- a. Carpets water soaked by flooding on or around January 27<sup>th</sup>, 2008 not yet removed which is a breach of the Food Regulation section 17 (1)(a) which states: An operator must ensure that, before operation of the commercial food establishment commences, the commercial food establishment is of sound construction and in a good state of repair;
- b. Decaying mice in ceiling plenum which is a breach of the Food Regulation section 21 (1) which states: The commercial food establishment and any surrounding area, premises or facilities supporting the commercial food establishment must be kept free of pests and of conditions that lead to the harbouring or breeding of pests
- c. Water damaged ceiling tiles not yet removed which is a breach of the Food Regulation section 17 (1)(a) which states: An operator must ensure that, before operation of the commercial food establishment commences, the commercial food establishment is of sound construction and in a good state of repair;
- d. Black mould growth on kitchen ceiling which is a breach of the Nuisance and General Sanitation Regulation section (2)(2)(a) which states: Without limiting the

- generality of subsection (1), a person who creates, commits or maintains any premises in a condition that is or might become injurious or dangerous to the public health or that might hinder in any manner the prevention or suppression of disease is deemed to have created, committed or maintained a nuisance;
- e. Small quantities of samosas, ice cream and other foods left in unplugged refrigeration units which is a breach of the Food Regulation section 23 (2) which states: Subject to any procedure involved in disposing of it that is otherwise in accordance with the law, food that has become contaminated or otherwise unfit for human consumption must not be served, offered for sale, processed, packaged, displayed or stored for human consumption;
  - f. Box of rotting potatoes on shelf which is a breach of the Food Regulation section 23 (2) which states: Subject to any procedure involved in disposing of it that is otherwise in accordance with the law, food that has become contaminated or otherwise unfit for human consumption must not be served, offered for sale, processed, packaged, displayed or stored for human consumption;

AND WHEREAS by virtue of the foregoing, the premises is hereby declared to be **closed**;

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

1. **That the owner undertake and diligently pursue the completion of the following work in and about the above noted facility, namely :**
  - a. Remove all dead mice and rotting food from the facility
  - b. Remove all absorbent materials that were water soaked in the flooding which occurred on or about January 27, 2008
  - c. Thoroughly clean and sanitise all food preparation areas, storage areas and washrooms
2. The work referred to in paragraph 1 (a & b) shall be completed to the satisfaction of the undersigned or an executive officer of the Calgary Health Region no later than 8.00 am on Monday 31<sup>st</sup> March, 2008.
3. The restaurant shall remain closed until the requirements of paragraph 1 (a, b & c) have been met and the establishment is inspected and granted an approval to re-open by an executive officer of the Calgary Health Region.

Dated at Calgary, Alberta, this 11th day of March, 2008, in confirmation of a verbal order issued March 6, 2008.

---

Marlene Celestin Welch, CPHI(C)  
Executive Officer  
Calgary Health Region

**ORDER OF AN EXECUTIVE OFFICER**

**Re: The Food Establishment located in Calgary, Alberta and municipally described as 2<sup>nd</sup> Floor, 130 3<sup>rd</sup> Ave SE Calgary, Alberta**

---

***Section 5(2) of the Public Health Act provides that a person who is directly affected by this Order and considers himself or herself aggrieved hereby may appeal the same to the Public Health Appeal Board, 24<sup>th</sup> Floor, Telus Plaza North Tower, 10025 Jasper Avenue, Edmonton AB T5J 2N3, within ten (10) days. The terms of this Order remain in effect notwithstanding the filing or proposed filing of any such appeal.***

***The Owner is advised that the Public Health Act empowers the Calgary Health Region to carry out the terms of this Order on the Owner's behalf and at the Owner's expense should the Owner fail to comply with the terms hereof.***

---

**Airdrie**

Airdrie Public Health Centre  
604 Main Street South  
Airdrie, AB T4B 3K7  
Phone: 403-912-8400  
Fax: 403-912-8410

**Banff**

Banff Health Centre  
303 Lynx Street  
PO Box 1266  
Banff, AB T1L 1B3  
Phone: 403-762-2990  
Fax: 403-762-5570

**Calgary/Mountain View/Rocky View**

Calgary Health Region, Centre 15  
1509 Centre Street SW  
Calgary, AB T2G 2E6  
Phone: 403-943-8060  
Fax: 403-943-8090

**Canmore**

Canmore Public Health  
#104, 800 Railway Avenue  
Canmore, AB T1W 1P1  
Phone: 403-678-5656  
Fax: 403-678-5068

**Claresholm**

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

**Didsbury**

Didsbury Health Unit  
PO Bag 130  
1210 -20th Avenue  
Didsbury, AB T0M 0W0  
Phone: 403-335-7292  
Fax: 403-335-7610

**Okotoks**

Okotoks Public Health Centre  
11 Cimarron Commons  
Okotoks, AB T1S 2E9  
Phone: 403-995-2600  
Fax: 403-995-2639

**Strathmore**

Public Health Building  
650 Westchester Road  
Strathmore, AB T1P 1H8  
Phone: 403-934-3454  
Fax: 403-934-3827

[www.calgaryhealthregion.ca/envhealth](http://www.calgaryhealthregion.ca/envhealth)