

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

**To: Shon Yee Benevolent Association of Canada**  
**Calgary Branch**  
109 2<sup>nd</sup> Avenue S.E.,  
Calgary, AB,  
T2G 0B2.

Yuet Sun Chan.  
211-64<sup>th</sup> Ave. N.W.,  
Calgary, AB,  
T2K 0M1.

George Lee.  
601, 4603 Varsity Drive N.W.,  
Calgary, AB,  
T3A 2V7.

Alan Leong.  
10 Valley Pond Crescent, N.W.,  
Calgary, AB,  
T3B 5T6.

Fred Louie  
208 Huntham Place, N.W.,  
Calgary, AB,  
T2K 4G6.

James B.J. Louie.  
36 Panorama Hill, N.W.,  
Calgary, AB,  
T3K 2K2.

Ken Louie.  
119 Hampshire Grove N.W.,  
Calgary, AB,  
T3A 5A5.

Raymond Louie.  
37, 2727 Rundleson Road, N.E.,  
Calgary, AB,  
T1Y 3Z3.

Sydney Louie.  
501, 108 3<sup>rd</sup> Ave. S.W.,  
Calgary, AB  
T2P 0E7

Dick Lum.  
111 Valhalla Crescent, N.W.,  
Calgary, AB,  
T3A 1Z7.

Forster Mah.  
60 Edgehill Drive, N.W.,  
Calgary, AB,  
T3A 2X6.

Dan Ng.  
249 Macewan Park View, N.W.,  
Calgary, AB,  
T3K 4K2.

Jerry Wong.  
201, 1507 Centre Street, N.E.,  
Calgary, AB,  
T2E 2Z8.

**Re:** Those premises located in Calgary, Alberta and municipally described as:  
112 3<sup>rd</sup> Ave SE  
Calgary, Alberta

WHEREAS I, an **Executive Officer** of the **Calgary Health Region**, have additionally inspected the UPPERMOST FLOOR of the above noted premises pursuant to the provisions of the **Public Health Act**, RSA 2000, c. P-37, as amended;

AND WHEREAS such inspection disclosed that the following conditions exist in and about the above noted premises which are or may become injurious or dangerous to the public health or which might hinder the prevention or suppression of disease, namely:

1. Water leaking into the ceiling of the ABC Bakery & Café which is a breach of the Nuisance and General Sanitation Regulation, Alberta Regulation 243/2003, section: 2 (1) which states: No person shall create, commit or maintain a nuisance and 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 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
2. Damaged sewerage system including broken toilet tanks, open sewer pipelines and

missing water seals from plumbing fixtures which is a breach of the Nuisance and General Sanitation Regulation, Alberta Regulation 243/2003, section: 2 (1) which states: No person shall create, commit or maintain a nuisance and 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 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.

3. Evidence of a roof leak on ceiling tiles of uppermost level which is a breach of the Nuisance and General Sanitation Regulation, Alberta Regulation 243/2003, section: 2 (1) which states: No person shall create, commit or maintain a nuisance and 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 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 .

AND WHEREAS, by virtue of the foregoing, the Uppermost Floor at the above noted premises are hereby declared to be

## **CLOSED TO THE PUBLIC OR FOR ANY USE IN WHICH THE PUBLIC HAS AN INTEREST.**

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

1. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
  - a. Identify and eliminate any source of water/sewage entering the ceiling space or walls of the ABC restaurant and Eastern Lake Seafood;
  - b. Remove any water/sewage damaged materials and unapproved open water drainage systems from the interior of all floors of the building;
  - c. Repair all plumbing fixtures and sewer lines;
  - d. Clean dirty washrooms and open water supply to ensure all water seals in fixtures are able to effectively prevent the migration of sewer gases into the building;
  - e. Ensure any remedial work meets all requirements of the Alberta Building Code.

2. The work referred to in paragraph 1 shall be completed no later than 8.00 am, on Monday the 21<sup>st</sup> day of July, 2008.
3. That, until such time as the work referred to in paragraph 1 is completed to the satisfaction of the undersigned, or an executive officer of the Calgary Health Region, the above noted premises shall remain closed to the public or for any use in which the public has an interest.

This order, dated at Calgary, Alberta this 4th day of July, 2008 replaces the order of June 12, 2008 which is hereby discharged.

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Marlene Celestin Welch  
Executive Officer  
Calgary Health Region

***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.***

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**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: 403-361-7200  
Fax: 403-361-7244