

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

**To:** John T. Fisher  
Source Distribution Services  
#3, 4403 14 Street N.E.  
Calgary, AB, T2E 6N3

**Re:** The food transport vehicle operating in Calgary, Alberta and the food storage warehouse from which the vehicle is based and municipally described as:

Source Distribution Services  
#3, 4403 14 Street N.E.

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

- a. Various milk products and other perishable foods were being transported in a vehicle that is not refrigerated. Products ranged in temperature from 13 – 17.6° C.
- b. The food transport vehicle was being supplied with foods from a food establishment operating without a valid Food Handling Permit.

AND WHEREAS such inspection disclosed that the following breaches of the Public Health Act Food Regulation, Alberta Regulation 31/2006 exist in and about the above noted food transport vehicle, namely:

- a. Various milk products and other perishable foods were being transported in a vehicle that is not refrigerated. Products ranged in temperature from 13 – 17.6° C. Section 25(1) of Alberta Regulation 31/2006 states that “All high-risk food must be stored, displayed, and transported at a temperature of (a) not more than 4° C or (b) not less than 60° C.”
- b. The food transport vehicle was being supplied with foods from a food establishment operating without a valid Food Handling Permit. Section 22(1) of Alberta Regulation 31/2006 states that “Subject to this section, a commercial food establishment must obtain all food that is liable under law to inspection by the Government of Canada or

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Alberta or by an agency of either from a source that is subject to inspection by that entity.”

Also, Section 3(1)(a)(b) of Alberta Regulation 31/2006 states that “No person shall operate a food establishment unless the person is an operator who holds a valid and subsisting permit for the operation of the food establishment, and the food establishment is identified on the permit as approved by the regional health authority that issued the permit.”

AND WHEREAS by virtue of the foregoing, the above noted premises and food transport vehicle are hereby declared to be **closed**;

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

1. That the Owner immediately close the above noted food transport vehicle and that all other food transport vehicles discontinue obtaining foods from the unapproved food warehouse located at #3, 4403 14 Street N.E., Calgary, Alberta.
2. That the Owner undertake and diligently pursue the completion of the following work in and about the above noted food establishment, namely:
  - a. Do not use the above mentioned food transport vehicle to transport perishable foods until refrigeration equipment has been installed which, is capable of maintaining perishable foods at a temperature of 4° C or colder.
  - b. Obtain all food from a food establishment operating with a valid food establishment permit from the Calgary Health Region.
3. That, until such time as the work referred to in paragraph 2 is completed to the satisfaction of the undersigned, or an executive officer of the Calgary Health Region, the above noted food transport vehicle shall remain closed.

Dated at Calgary, Alberta, this 6<sup>th</sup> day of July, 2008. This written order confirms a verbal order issued on the 4<sup>th</sup> day of July, 2008.

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Jeremy Vaughan, CPHI(C)  
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**

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303 Lynx Street  
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**Calgary/Mountain View/Rocky View**

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

**Canmore**

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#104, 800 Railway Avenue  
Canmore, AB T1W 1P1  
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**Claresholm**

Claresholm Public Health  
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**Didsbury**

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PO Bag 130  
1210 -20th Avenue  
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Phone: 403-335-7292  
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**Okotoks**

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

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