

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

**To:** Kevin Langen  
O’Sullivan’s Restaurant & Bar Ltd.  
104, 5809 MacLeod Trail SW  
Calgary, Alberta T2H 0J9  
(the “**Owner**”)

**Re:** The Food Establishment located in Calgary, Alberta and municipally described as:  
O’Sullivan’s Restaurant & Bar  
104, 5809 MacLeod Trail SW  
Calgary, Alberta

WHEREAS I, an **Executive Officer** of **Alberta Health Services**, 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. No written cleaning schedule or procedures in place,
- b. No temperature checking processes or procedures in place,
- c. Prep line cooler unplugged and internal air temperature measured 10 degrees Celsius.
- d. Sliced chicken breast, ham, steaks, cheese, etc. in prep line cooler measuring between 10 and 15 degrees Celsius,
- e. Paper towel dispensers empty at three locations,
- f. Raw ground beef stored above cooked (uncovered) foods in walk-in cooler,
- g. Large, deep food containers used for cooling cooked foods,
- h. No probe style thermometer on site,
- i. Table tops are not sanitized between customers,
- j. Black garbage bags used to cover foods in walk-in cooler,
- k. Mold present on walls in walk-in cooler,
- l. Hot water tap missing at hand sink in back food prep area,
- m. No paper towel in dispenser at bar area,
- n. Most cutting boards are badly stained, deeply grooved and no longer easily cleanable,
- o. Beer glasses immersed in ice (at bar) with business ends up,
- p. Floor extremely dirty with food debris and grease in hard to reach areas throughout (including walk-in freezer),
- q. Exhaust canopy filters dirty,
- r. Areas of ceiling and walls are dirty,
- s. Dry storage room area is dirty,
- t. Meat slicer, veggie slicer & large can opener are dirty,

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- u. Ice machine dirty both inside and out,
- v. Areas within staff washroom/change rooms dirty,
- w. Floor, walls, ceiling and shelves of walk-in beer cooler dirty,
- x. Pop dispenser holders dirty at bar.

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

- a. No written cleaning schedule or procedures in place contravening Section 29 of the Food Regulation.
- b. No temperature checking processes or procedures in place also contravening Section 29 of the Food Regulation.
- c. Prep line cooler unplugged and internal air temperature measured 10 degrees Celsius contravening Section 28 (3) of the Food Regulation.
- d. Sliced chicken breast, ham, steaks, cheese, etc. in prep line cooler measuring between 10 and 15 degrees Celsius contravening Section 25 (1) of the Food Regulation.
- e. Paper towel dispensers empty at three locations contravening Section 17 (1) (e) of the Food Regulation.
- f. Raw ground beef stored above cooked (uncovered) foods in walk-in cooler contravening Section 28 (2 & 3) of the Food Regulation.
- g. Large, deep food containers used for cooling cooked foods contravening Section 24 of the Food Regulation.
- h. No probe style thermometer on site contravening Section 18 (b) (iii) of the Food Regulation.
- i. Table tops are not sanitized between customers contravening Section 28 (2) of the Food Regulation.
- j. Black garbage bags used to cover foods in walk-in cooler contravening Section 23 (1) of the Food Regulation.
- k. Mold present on walls in walk-in cooler contravening Section 28 (2) of the Food Regulation.
- l. Hot water tap missing at hand sink in back food prep area contravening Section 2.14 (b) (ii) of the Food Retail and Foodservices Code.
- m. No paper towel in dispenser at bar area contravening Section 17 (1) (e) of the Food Regulation.
- n. Most cutting boards are badly stained, deeply grooved and no longer easily cleanable contravening Section 28 (2) of the Food Regulation.
- o. Beer glasses immersed in ice (at bar) with business ends up contravening Section 28 (2 & 3) of the Food Regulation
- p. Floor extremely dirty with food debris and grease in hard to reach areas throughout (including walk-in freezer) contravening Section 28 (2) of the Food Regulation.
- q. Exhaust canopy filters dirty also contravening Section 28 (2).
- r. Areas of ceiling and walls are dirty also contravening Section 28 (2).
- s. Dry storage room area is dirty also contravening Section 28 (2).
- t. Meat slicer, veggie slicer & large can opener are dirty also contravening Section 28 (2).
- u. Ice machine dirty both inside and out also contravening Section 28 (2).

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v. Areas within staff washroom/change rooms dirty also contravening Section 28 (2).  
AND WHEREAS by virtue of the foregoing, the above noted premises are hereby declared to be **CLOSED**;

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

1. That the Owner immediately close the above noted food establishment.
2. That the Owner undertake and diligently pursue the completion of the following work in and about the above noted food establishment, namely:
  - a. Develop and implement written procedures to ensure the safe and sanitary operation of the establishment. Such procedures must include cleaning and sanitizing processes and processes to ensure food temperatures are maintained at acceptable levels.
  - b. Ensure all coolers are cleaned, sanitized and maintained at 4 degrees Celsius or less.
  - c. Supply all paper towel dispensers with paper towel and install appropriate paper towel dispensers (with paper towel) behind the bar.
  - d. Store all foods in a safe and sanitary manner, eliminating all potential for food to become contaminated.
  - e. Ensure hot foods are cooled by the quickest methods possible. Do not use large deep containers for cooling hot foods.
  - f. Purchase a probe style thermometer capable of measuring between 0 and 100 degrees Celsius.
  - g. Ensure tables in customer seating areas are sanitized with an approved sanitizing solution as needed.
  - h. Install an operational hot water tap at the hand sink in the back food prep area.
  - i. Replace old, stained and scarred cutting boards and ensure new cutting boards are maintained in good repair.
  - j. Ensure all dishes/utensils used by customers are stored in manner that will prevent contamination of the dish/utensil.
  - k. Ensure all areas identified in the above noted "conditions" section, namely "p" to "v" are thoroughly cleaned.
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 Alberta Health Services, the above noted premises shall remain closed.

Dated at Calgary, Alberta, this 29th day of October, 2009 confirming verbal order issued the 28<sup>th</sup> day of October, 2009.

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Kelly Kennedy, CPHI(C)  
Executive Officer  
Alberta Health Services

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**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 Alberta Health Services 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: 403-912-8432

**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**

Alberta Health Services, *Southport*  
10101 Southport Rd SW  
Calgary, AB T2W 3N2  
Phone: 403-943-2288  
Fax: 403-943-8056

**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  
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**Didsbury**

Didsbury Health Unit  
PO Box 130  
1210 -20th Avenue  
Didsbury, AB T0M 0W0  
Phone: 403-335-7292  
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**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  
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[www.calgaryhealthregion.ca/envhealth](http://www.calgaryhealthregion.ca/envhealth)