

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

To: Gus MacDonald
Unit 100, 815 8 Ave. S.W.
Calgary, Alberta T2P 3P2
(the “**Owner**”)

Brian Walters
Unit 100, 815 8 Ave. S.W.
Calgary, Alberta T2P 3P2
(the “**Owner**”)

Re: The Food Establishment located in Calgary, Alberta and municipally described as:

Rush Hour
Unit 100, 815 8 Ave. S.W.
Calgary, Alberta T2P 3P2

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 chlorine sanitizer could be detected in the mechanical dishwasher in the kitchen.
- b. A 1 litre carton of milk in the bar cooler measured 11.8 degrees Celsius.
- c. There was no cleaning schedule.
- d. Rags used to clean counters were not stored in sanitizer.
- e. There was old food debris and grease around all of the inserts in the preparation cooler. There was a large build up of old food debris on the meat slicer. Food counters were not being cleaned & sanitized frequently enough.
- f. The entire facility, including walls, floors, shelves, fume hoods, and equipment was dirty and covered in food debris, dust, and grease. The floor underneath the cooking line was especially dirty and there was a strong odour of rancid grease throughout most of the kitchen. There was a large amount of garbage under the bar areas.
- g. There were a large number of fruit flies around the front bar.
- h. The handle of an ice scoop and a pop gun line was touching ice used for drinks, at the front bar.
- i. A bag of onions and a box of potatoes were stored directly on the floor.
- j. There were no thermometers in any of the coolers containing high risk foods.
- k. There was no supply of hot water to the front bar hand washing sink.

- l. Rolls of paper towels were not in dispensers at the bars.
- m. The hand washing sinks at the bars were filled with containers of garbage.
- n. Lights in the kitchen and outside of the walk in cooler did not have protective covers.
- o. The drainage pipe for a urinal in the men's washroom was leaking. Urine was being collected in a plastic bucket on the floor.
- p. The main acrylic cuttings boards were worn and no longer easily cleanable.
- q. Staff did not have an adequate level of food safety knowledge.
- r. Several of the storage shelves, including inside the walk in cooler, were badly rusted.
- s. There were missing floor tiles in the kitchen and front bar area.
- t. There were several missing wall tiles in the kitchen.
- u. Several counters in the kitchen were damaged.

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 chlorine sanitizer could be detected in the mechanical dishwasher in the kitchen. This is in contravention of Section 4.2.5(a) of the Food Retail and Foodservices Code.
- b. A 1 litre carton of milk in the bar cooler measured 11.8 degrees Celsius. This is in contravention of Section 25(1) of the Food Regulation.
- c. There was no cleaning schedule. This is in contravention of Section 29 of the Food Regulation.
- d. Rags used to clean counters were not stored in sanitizer. This is in contravention of Section 4.2.5(d)(ii) of the Food Retail and Foodservices Code.
- e. There was old food debris and grease around all of the inserts in the preparation cooler. There was a large build up of old food debris on the meat slicer. Food counters were not being cleaned & sanitized frequently enough. This is in contravention of Section 28(2) of the Food Regulation.
- f. The entire facility, including walls, floors, shelves, fume hoods, and equipment was dirty and covered in food debris, dust, and grease. The floor underneath the cooking line was especially dirty and there was a strong odour of rancid grease throughout most of the kitchen. There was a large amount of garbage under the bar areas. This is in contravention of Section 28(2) of the Food Regulation.
- g. There were a large number of fruit flies around the front bar. This is in contravention of Section 21(1) of the Food Regulation.
- h. The handle of an ice scoop and a pop gun line was touching ice used for drinks, at the front bar. This is in contravention of Section 23(1)(a) of the Food Regulation.
- i. A bag of onions and a box of potatoes were stored directly on the floor. This is in contravention of Section 2.9(b)(i) of the Food Retail and Foodservices Code.
- j. There were no thermometers in any of the coolers containing high risk foods. This is in contravention of Section 18(b)(iii) of the Food Regulation.
- k. There was no supply of hot water to the front bar hand washing sink. This is in contravention of Section 2.14(b)(v) of the Food Retail and Foodservices Code.
- l. Rolls of paper towels were not in dispensers at the bars. This is in contravention of Section 2.14(b)(iv) of the Food Retail and Foodservices Code.

- m. The hand washing sinks at the bars were filled with containers of garbage. This is in contravention of Section 2.14(b)(iii) of the Food Retail and Foodservices Code.
- n. Lights in the kitchen and outside of the walk in cooler did not have protective covers. This is in contravention of Section 2.7(c) of the Food Retail and Foodservices Code.
- o. The drainage pipe for a urinal in the men's washroom was leaking. Urine was being collected in a plastic bucket on the floor. This is in contravention of Section 2.11(b) of the Food Retail and Foodservices Code.
- p. The main acrylic cuttings boards were worn and no longer easily cleanable. This is in contravention of Section 18(a) of the Food Regulation.
- q. Staff did not have an adequate level of food safety knowledge. This is in contravention of Section 5.1 of the Food Retail and Foodservices Code.
- r. Several of the storage shelves, including inside the walk in cooler, were badly rusted. This is in contravention of Section 2.9(b)(iii) of the Food Retail and Foodservices Code.
- s. There were missing floor tiles in the kitchen and front bar area. This is in contravention of Section 2.4.2(b) of the Food Retail and Foodservices Code.
- t. There were several missing wall tiles in the kitchen. This is in contravention of Section 2.3(a)(ii) of the Food Retail and Foodservices Code.
- u. Several counters in the kitchen were damaged. This is in contravention of Section 17(1)(a) of the Food Regulation and Section 4.1.6(ii) of the Food Retail and Foodservices Code.

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. Ensure that the mechanical dishwasher is dispensing sanitizer at the appropriate concentration.
 - b. Perform a daily sanitizer check of the mechanical dishwasher. The results of these checks must be recorded and kept on file.
 - c. Ensure that all high risk foods are stored and displayed not more than 4 degrees Celsius or not less than 60 degrees Celsius.
 - d. Develop and implement an appropriate cleaning and sanitizing schedule. All staff **MUST** be familiar with the required cleaning and sanitizing procedures and must follow the schedule regularly.
 - e. Ensure that rags used to wipe counters are stored in sanitizer when not in use.

- f. Thoroughly clean and sanitize entire premises and all food contact surfaces. Ensure that all surfaces are free from grease, food build-up, dirt, dust and all debris.
 - g. Eliminate the fruit flies at the bar and remove any sources of food or harbourage.
 - h. Ensure that ice used for drinks is protected from any possible source of contamination.
 - i. Ensure that all foods are stored at least six inches off of the floor.
 - j. Ensure that all refrigeration equipment is supplied with a calibrated thermometer.
 - k. Ensure that all hand washing sinks have an adequate supply of hot water.
 - l. Ensure paper towels at all hand washing sinks are stored in suitable dispensers.
 - m. Ensure that all hand washing sinks are used only for hand washing and accessible at all times.
 - n. Ensure that all lights in food preparation or storage areas are fitted with protective covers.
 - o. Repair the leaking urinal.
 - p. Ensure that the main plastic preparation surface is refinished or replaced so that it is easily cleanable.
 - q. Ensure that at least one staff member successfully completes a certified food safety and hygiene course. All other staff members must complete the "Online Home Study Food Safety Course". This course can be found at the following Internet address:

http://www.calgaryhealthregion.ca/publichealth/envhealth/education/online_mini_course.htm
 - r. Ensure that all rusted storage shelves are repaired or replaced.
 - s. Ensure that all missing floor tiles are replaced.
 - t. Ensure that all missing wall tiles are replaced.
 - u. Ensure that all damaged counters are repaired.
3. That, until such time as the work referred to in paragraph 2 (a) through (o) is completed to the satisfaction of the undersigned, or an executive officer of Alberta Health Services, the above noted premises shall remain closed. The work referred to in paragraph 2 (p) & (q) must be completed no later than December 7, 2009. The work referred to in paragraph 2 (r) through (u) must be completed no later than March 1, 2010.

ORDER OF AN EXECUTIVE OFFICER

Re: The Food Establishment, Rush Hour, located in Calgary, Alberta and municipally described as Unit 100, 815 8 Ave. S.W.

Dated at Calgary, Alberta, this 3rd day of September, 2009, in confirmation of a verbal order issued on the 2nd day of September, 2009.

Jeremy Vaughan, CPHI(C)
Executive Officer
Alberta Health Services

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, 24th 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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Banff

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Calgary/Mountain View/Rocky View

Alberta Health Services, *Southport*
10101 Southport Road SW
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Canmore

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Didsbury

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Okotoks

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www.calgaryhealthregion.ca/envhealth