

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

To: Elmar Augart
251210 Range Road 32
Calgary, Alberta, T3Z 1E4

Re: Mobile Food Vending Unit located in Calgary, Alberta and municipally described as:

3rd Avenue between Centre Street and 1st Street SE
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. Operating without a valid and subsisting food handling permit from Alberta Health Services.
- b. Selling eggs out of an unrefrigerated van.

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. Operating without a valid and subsisting food handling permit from Alberta Health Services, which is in contravention of section 3(1)(a)(b) of the Food Regulation.
- b. Selling eggs out of an unrefrigerated van which is in contravention of section 24 (26) of the Food Regulation.

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. Obtain a valid food handling permit from Alberta Health Services
 - b. Ensure proper equipment is used for holding and transporting eggs that is capable of maintaining a temperature of 4C or lower.

ORDER OF AN EXECUTIVE OFFICER

Re: The Food Establishment located in Calgary, Alberta and municipally described as 3rd Avenue between Centre Street and 1 Street SE.

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 16th day of November, 2010, following a verbal closure issued on the 13th day of November, 2010.

Jodie Dicks
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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Airdrie Public Health Centre
604 Main Street South
Airdrie, AB T4B 3K7
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Fax: 403-912-8432

Banff
Banff Health Centre
303 Lynx Street
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Calgary/Mountain View/Rocky View
Alberta Health Services, *Southport*
10101 Southport Rd SW
Calgary, AB T2W 3N2
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Canmore
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#104, 800 Railway Avenue
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Claresholm
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www.calgaryhealthregion.ca/envhealth