

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

To: Kadir Ahmed (aka Julian Radev)
53 Queen Isabella Close SE
Calgary, Alberta T2J 3R2
(the “**Owner**”)

Re: The Food Establishment, **Happy Days Fries #2**, located in Calgary, Alberta and municipally described as:

The Food Vending Cart at:
Canadian Tire
5200 Richmond Rd 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 running water,
- b. Operator not washing hands,
- c. No water sample submitted since July, 2009,
- d. Paper towel not in suitable dispenser,
- e. Food Permit on display was for a different food establishment,

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 running water, contravening Section 17 (1) (f) (i) of the Food Regulation.
- b. Operator not washing hands, contravening Section 30 (1) (d) of the Food Regulation
- c. No water sample submitted since July, 2009 contravening Sections 9 and 17 (1) (f) (i) of the Food Regulation.
- d. Paper towel not in suitable dispenser, contravening Sections 17 (1) (e) and 30 (4) of the Food Regulation.
- e. Food Permit on display was for a different food establishment. This contravenes Section 14 (1) 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. Submit a bacteriological water sample from the cart's holding tank to the Provincial Laboratory of Public Health for analysis. Thereafter, bacteriological samples must be submitted at least every 30 days while the cart is in operation.
 - b. Restore an adequate supply of water to the cart. Hot and cold running water must be available at all times while the cart is in operation.
 - c. Develop and implement of plan or procedure to ensure that water will be available to the cart at all times. This plan or procedure must be reviewed and accepted by an Executive Officer.
 - d. Ensure paper towel is available in a suitable dispenser.
 - e. Ensure that all food handlers wash hands properly before handling foods and after performing any activities unrelated to food handling.
 - f. Post a valid and accurate Food Permit in a conspicuous location on the hot dog cart.
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 January, 2010

Kelly Kennedy, 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

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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.

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 2nd Street W
PO Box 1391
Claresholm, AB T0L 0T0
Phone: 403-625-4061
Fax: 403-625-4062

Didsbury

Didsbury Health Unit
PO Box 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

www.calgaryhealthregion.ca/envhealth