

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

To: Luat Van Doan & Loc Mai & 1386737 Alberta Ltd.
#460, 5255 Richmond Rd SW
Calgary, Alberta T3E 7C4
(the “**Owner**”)

Re: The Food Establishment located in Calgary, Alberta and municipally described as:
Saigon Palace Restaurant
#460, 5255 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. Mouse infestation at facility,
- b. Food items contaminated by mice droppings,
- c. Dishes and utensils contaminated by mice droppings,
- d. Holes in walls allowing mice to enter facility,
- e. PCO reports outlining recommendations/suggestions not being followed,
- f. Dishwasher not sanitizing dishes as no chlorine residual present in rinse,
- g. Chlorine test strips not being used to check sanitizer level in dishwasher,
- h. Meat and chicken left at room temperature overnight to thaw,
- i. Open cans of oyster sauce labelled “keep refrigerated” stored at room temperature,
- j. Grease, dirt and food debris present on floor,
- k. Record keeping charts for temperature monitoring not filled out since March, 2010,
- l. Water pouring out of pipe and onto floor below pot sinks in dish-pit area,
- m. Badly broken floor tile around floor drain in dish-pit area,
- n. Foods in walk-in cooler & walk-in freezer stored uncovered and on floor; AND raw meats stored above vegetables,

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. Mouse infestation at facility contravening Section 21(1) of the Food Regulation.
- b. Food items contaminated by mice droppings contravening Section 23 of the Food Regulation.
- c. Dishes and utensils contaminated by mice droppings also contravening Section 23 of the Food Regulation.

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Richmond RD SW Calgary, Alberta

- d. Holes in walls allowing mice to enter facility contravening Section 17(2) of the Food Regulation.
- e. PCO reports outlining recommendations/suggestions not being followed. This also contravenes Section 21(1).
- f. Dishwasher not sanitizing dishes as no chlorine residual present in rinse contravening Section 28(2) of the Food Regulation.
- g. Chlorine test strips not being used to check sanitizer level in dishwasher contravening Section 4.2.6(3) of the Alberta Food Code.
- h. Meat and chicken left at room temperature overnight to thaw contravening Section 24 of the Food Regulation.
- i. Open cans of oyster sauce labelled "keep refrigerated" stored at room temperature. This contravenes Section 24 and 25(1)(a) of the Food Regulation.
- j. Grease, dirt and food debris present on floor contravening Section 28(2) of the Food Regulation.
- k. Record keeping charts for temperature monitoring not filled out since March, 2010. This contravenes Section 29 of the Food Regulation.
- l. Water pouring out of pipe and onto floor below pot sinks in dish-pit area contravening Section 17(1) of the Food Regulation.
- m. Badly broken floor tile around floor drain in dish-pit area also contravening Section 17(1).
- n. Foods in walk-in cooler & walk-in freezer stored uncovered and on floor; AND raw meats stored above vegetables contravening Section 28 (2 & 3) 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. Discard all foods that have or may have been contaminated by mice droppings.
 - b. Discard all take-out containers & bags that have or may have been contaminated by mice droppings.
 - c. Clean up all mice droppings. Clean and sanitize all areas where mice droppings were present.
 - d. Repair and seal off all holes, gaps and cracks that may be used by mice to gain entry.
 - e. Repair dishwasher to ensure a 100ppm chlorine solution is present in the rinse cycle.
 - f. Ensure all foods are stored in proper pest proof containers with tight fitting lids and in a manner that will protect food from contamination.
 - g. Once dishwasher is repaired, wash and sanitize ALL dishes and utensils.
 - h. Repair leaking water lines.
 - i. Consult with Pest Control Professional and follow all recommendations/suggestions given. Increase efforts to eliminate mice problem.
 - j. Re-implement record keeping and monitoring procedures. Ensure dishwasher

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- monitoring and recording is included.
- k. Repair broken floor tiles in dish-pit area.
 - l. Ensure that from this point forward, all foods are properly thawed by an approved thawing method.
 - m. Thoroughly clean all hard to reach floor areas, specifically below fryers and grilling equipment.
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 10th day of June, 2010 in confirmation of verbal order issued on the 9th of June, 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 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

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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
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Canmore

Canmore Public Health
#104, 800 Railway Avenue
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Claresholm

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Okotoks

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Strathmore

Public Health Building
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