

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

**To:** Zeller's Incorporation  
2525 36 Street NE  
Calgary, Alberta T1Y 5S4  
(the "**Owner**")

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

Zeller's Restaurant  
2525 36 Street NE  
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. There is a heavy infestation of drain flies in the facility.
- b. Grease and dirt built up is evident along kitchen floor edges and under the steam table.

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. Heavy infestation of drain flies in the facility contravening Section 21(1) of the Food Regulation.
- b. Grease and dirt built up along kitchen floor edges and under the steam table contravening Section 28 (2) 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:

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- a. Eliminate breeding grounds for drain flies.
  - b. Remove all live and dead flies from the facility.
  - c. Clean and sanitize surfaces that were contaminated by the flies.
  - d. Thoroughly clean the kitchen floor edges including area under the steam table.
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 7<sup>th</sup> day of September, 2010 in confirmation of verbal order issued on September 3, 2010.

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Sylvia Loo  
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, 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  
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**Banff**  
Banff Health Centre  
303 Lynx Street  
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**Calgary/Mountain View/Rocky View**  
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Calgary, AB T2W 3N2  
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**Canmore**  
Canmore Public Health  
#104, 800 Railway Avenue  
Canmore, AB T1W 1P1  
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**Claresholm**  
Claresholm Public Health  
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**Didsbury**  
Didsbury Health Unit  
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**Okotoks**  
Okotoks Public Health Centre  
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Okotoks, AB T1S 2E9  
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**Strathmore**  
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[www.calgaryhealthregion.ca/envhealth](http://www.calgaryhealthregion.ca/envhealth)