

ORDER OF AN EXECUTIVE OFFICER NOTICE OF CLOSURE

To: The Desert Bakery & Café Inc.
(the “Owner”)

Abdul Elkadri
(the “Owner”)

RE: The food establishment located in Calgary, Alberta and municipally described as:
Desert Pita and Grill, 144 – 1830 52 Street SE.

WHEREAS I, an **Executive Officer** of **Alberta Health Services**, have inspected the above premises 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 premises which are or may become injurious or dangerous to the public health or which might hinder the prevention or suppression of disease, namely:

- a. Partially cooked chicken shawarma and beef donair meat is not being further heated to a required 74 degrees Celsius for 15 seconds after being shaved off of the spits.
- b. Beef in front end hot holding unit measured between 50-55 degrees Celsius.
- c. Front end display cooler measured 5.4 degrees Celsius.
- d. Back stainless steel top cooler measured 9 degrees Celsius.
- e. Sliced cheese in front inserts measured 8-12 degrees Celsius.
- f. Used cloths for food preparation surfaces are not being immersed in sanitizer when not in use and staff are not properly washing and sanitizing food contact surfaces.
- g. Staff are not using the correct procedure to clean utensils and food preparation dishes.
- h. Trays of desserts are being stored directly on top of each other in the back cooler, allowing the bottom one tray directly touch the open desserts below.
- i. The facility is not being maintained in a clean and sanitary manner. There is an accumulation of dirt, grime, grease and food debris though out the kitchen prep areas, storage areas and dishwashing. This includes, but is not limited to the floor, surfaces of equipment, shelves and walls.
- j. Open food is being prepared in areas that do not have a drop ceiling. The ceiling in these areas is rough, uneven and too high to clean.

- k. Clean, uncovered bowls are being stored directly under open and dusty duct work.
- l. Staff are continuously reusing single-use disposable gloves.
- m. Numerous beetles (most likely grain beetles) were found both alive and dead in the back dessert storage cupboards.
- n. No one on staff has taken a provincially certified food safe course.
- o. Staff are not recording cooler temperatures on a daily basis.
- p. The facility is currently using one 2 compartment sink for all food preparation and to clean and sanitize all utensils and equipment. Due to the large volume and variety of foods prepared in the kitchen, current 2 compartment sink does not meet the needs of the facility.
- q. Counters throughout the facility have edges that are unfinished or in disrepair.
- r. The floor under and around the grease trap is in severe disrepair.
- s. The floor in the back bakery area, most notably around the large stand mixer, is in disrepair. Concrete floors had originally been painted, but paint is peeling or has peeled in many areas.
- t. Shelving holding all of the bottled beverages is unfinished and cannot be properly cleaned. Shelves, in spots, have absorbed spills and are dirty.
- u. The cabinet surrounding the two compartment sink is rotting and in severe disrepair.
- v. The wall behind the two compartment sink is damaged and in disrepair.
- w. Covers are missing on several light fixtures near the two compartment sink.
- x. The ceiling the walk-in cooler is rough, poorly sealed and cannot be properly cleaned.
- y. Fans in the walk-in cooler are rusty, causing dust to build up on the surface.

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. Partially cooked chicken shawarma and beef donair meat is not being further heated to a required 74 degrees Celsius for 15 seconds after being shaved off of the spits. This is in violation of Section 3.3.4 of the Food Retail and the Foodservices Code which states that "Raw foods of animal origin and food mixtures containing raw foods of an animal origin shall be cooked to heat all parts of the food to the minimum temperatures and for the minimum times outlined for different foods in Appendix B".

- b. Beef in front end hot holding unit measured between 50-55 degrees Celsius contravening Section 25(1) of the Food Regulation which states “All high-risk food must be stored, displayed and transported at a temperature of (a) not more than 4 degrees Celsius or such higher temperature, or (b) not less than 60 degrees Celsius or such lower temperature”.
- c. Front end display cooler measured 5.4 degrees Celsius also contravening Section 25(1) of the Food Regulation.
- d. Back stainless steel top cooler measured 9 degrees Celsius also violating Section 25(1) of the Food Regulation.
- e. Sliced cheese in front inserts measured 8-12 degrees Celsius also contravening Section 25(1) of the Food Regulation.
- f. Used cloths for food preparation surfaces are not being immersed in sanitizer when not in use and staff are not properly washing and sanitizing food contact surfaces. This contravenes Section 28(2) of the Food Regulation which states that “A commercial food establishment, all equipment and utensils in it and all surfaces in it with which food comes into contact must be maintained in a sanitary condition and, without limiting the foregoing, must be washed and sanitized in a manner that removes contamination”.
- g. Staff are not using the correct procedure to clean utensils and food preparation dishes also contravening Section 28(2) of the Food Regulation.
- h. Trays of desserts are being stored directly on top of each other in the back cooler, allowing the bottom one tray directly touch the open desserts below. This violated Section 23(1)(a) of the Food Regulation which states that “All food used or to be used in a commercial food establishment must be protected from contamination”.
- i. Open food is being prepared in areas that do not have a drop ceiling. The ceiling in these areas is rough, uneven and too high to clean also contravening Section 23(1)(a) of the Food Regulation.
- j. The facility is not being maintained in a clean and sanitary manner. There is an accumulation of dirt, grime, grease and food debris though out the kitchen prep areas, storage areas and dishwashing. This includes, but is not limited to the floor, surfaces of equipment, shelves and walls. This is in contravention of Section 28(2) as stated above in item f.
- k. Clean, uncovered bowls are being stored directly under open and dusty duct work contravening Section 28(3)(b) of the Food Regulation which states that “All equipment and utensils in a commercial food establishment must be maintained in a manner that ensures the safe and sanitary handling of food”.
- l. Staff are continuously reusing single-use disposable gloves violating Section 23(1) which states that “All food used or to be used in a commercial food establishment must be (a) protected from contamination, and (b) handled in a sanitary manner and Section 24 which states that “All food handling in a commercial food establishment must be done in a manner that makes the food safe to eat”.

- m. Numerous beetles (most likely grain beetles) were found both alive and dead in the back dessert storage cupboards. This contravenes Section 21(1) of the Food Regulation which states that “The commercial food establishment and any surrounding area, premises or facilities supporting the commercial food establishment must be kept free of pests and of conditions that lead to the harboring or breeding of pests”.
- n. No one on staff has taken a provincially certified food safe course contravening Section 31(2) which states that “A person operating a commercial food establishment must, at any time when there are 6 or more food handlers working on the premises, ensure that at least one member of the management or supervisory staff of the commercial food establishment holds a certificate issued by the Minister confirming that individual’s successful completion of the food sanitation and hygiene training program or a document that the Minister considers equivalent to such a certificate”.
- o. Staff are not recording cooler temperatures on a daily basis. This contravenes Section 29(1) of the Food Regulation which states that “A commercial food establishment must have written procedures designed to ensure its safe and sanitary operation and maintenance”.
- p. The facility is currently using one 2 compartment sink for all food preparation and to clean and sanitize all utensils and equipment. Due to the large volume and variety of foods prepared in the kitchen, current 2 compartment sink does not meet the needs of the facility. This is in contravention of Section 28(1) of the Food Regulation which states that “A commercial food establishment must have all the facilities, equipment and utensils that are necessary to ensure its safe operation and maintenance”.
- q. Counters throughout the facility have edges that are unfinished or in disrepair which violates Section 4.1.4 (iii)(iv) of the Food Retail and Foodservices Code which states that “food contact surfaces of equipment should be smooth and non-absorbent and free from breaks, cracks, open seams, chips, pits, and similar imperfections, should these be shown to impede effective cleaning and sanitizing”.
- r. The floor under and around the grease trap is in severe disrepair violating Section 2.4 of the Food Retail and Foodservices Code which states that “Floors that are subject to moisture must be constructed of impervious materials, non-slip and sloped to allow for draining”.
- s. The floor in the back bakery area, most notably around the large stand mixer, is in disrepair. Concrete floors had originally been painted, but paint is peeling or has peeled in many areas. This is in contravention of Section 2.4.2 of the Food Retail and Foodservices Code which states that “In areas where the floor is subject to moisture (such as food preparation areas, walk-in coolers, washrooms, and areas subject to flushing or spray cleaning), the floor should be:
 - i) durable, easily cleanable and non-slip
 - ii) constructed of an impervious material that is able to withstand regular wet washing, such as tile or epoxy resin.
 - iii) Coved at the wall to floor joints, and sealed
 - iv) Smooth so as not to allow for pooling of liquids”.

- t. Shelving holding all of the bottled beverages is unfinished and cannot be properly cleaned. Shelves, in spots, have absorbed spills and are dirty contravening Section 2.9(b)(iii) of the Food Retail and Foodservices Code which states that “The following criteria should be applied to all storage areas: they must be constructed of materials which are durable, non-absorbent and easily cleaned. Unsealed wood is not an acceptable finish for shelves, ceilings and walls”.
- u. The cabinet surrounding the two compartment sink is rotting and in severe disrepair contravening Section 18(a) of the Food Regulation which states that “An operator must ensure that all equipment and utensils used in the commercial food establishment and all surfaces in it with which food comes into contact are entirely constructed or manufactured from materials that are suitable for their intended purpose, durable, easily cleanable and free from any undesirable substance”.
- v. The wall behind the two compartment sink is damaged and in disrepair. This violates Section 2.3(a) of the Food Retail and Foodservices Code states that “Walls and ceilings in food preparation, processing, and storage areas should be:
 - i) constructed of finishes such as tile, plaster, sealed brick, stainless steel, or other equivalent materials which are impervious, washable, durable, and light coloured;
 - ii) kept in good repair;
 - iii) kept in a clean and sanitary manner;
 - iv) free from flaking materials; and
 - v) free of pitting and cracks”.
- w. Covers are missing on several light fixtures near the two compartment sink contravening Section 2.7(c) of the Food Retail and Foodservices code which states that “Except as otherwise specified, lighting fixtures should be shielded with shatterproof coverings in areas where there is exposed food, equipment, utensils, linens or unwrapped single-service and single-use articles”.
- x. The ceiling the walk-in cooler is rough, poorly sealed and cannot be properly cleaned. This violates Section 18(a) of the Food Regulation as stated above in item v.
- y. Fans in the walk-in cooler are rusty, causing dust to build up on the surface also contravening Section 18(a) 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 immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:

- a. Create and implement a procedure which ensures that all of portions of the partially cooked shawarma and donair meat are cooked to a temperature of or above 74 degrees Celsius.
 - b. Immediately discard sliced cheese
 - c. Repair all coolers and ensure they are capable of holding food at or below 4 degrees Celsius.
 - d. Ensure that all wiping cloths are immersed in sanitizer when not being used and that all staff are educated in the correct cleaning and sanitizing procedure of surfaces and equipment.
 - e. Ensure all staff are educated in the correct method of cleaning utensils.
 - f. Prepare, handle and store all food and utensils in a manner that ensure they are protected from contamination.
 - g. Clean and sanitize all surfaces and equipment in the facility and ensure that it is kept in a clean and sanitary state hereafter.
 - h. All staff must use each pair of disposable gloves once.
 - i. Ensure written cleaning schedule is developed and approved by the Region and then posted, followed, and initialled by appropriate staff.
 - j. Ensure facility is free of all insects and after thorough cleaning and organization of facility, a licensed pest control operator must inspect premises. Report of inspection must be provided to Executive Officer.
 - k. Have at least one staff member enroll and then attend a provincially certified, approved Food Safe course.
 - l. Ensure cooler temperatures are monitored and recorded on a daily basis.
 - m. Install at least one other 2 compartment sink. Prior to installation, location and capacity of sink must be submitted and approved by an Executive Officer.
 - n. Repair all counters, walls, floors and storage units and ensure they are smooth, impervious to moisture and easily cleanable.
 - o. Repair ceiling in walk-in cooler to ensure that they are smooth and easily cleanable.
 - p. Clean and repair fans in walk-in cooler.
 - q. Ensure all light fixtures are fitted with shatterproof covers.
3. That until such time as items (a) through (h) referred to above are completed to the satisfaction of an Executive Officer of Alberta Health Services; the above noted food

establishment shall remain closed. Items (i) through (l) must be completed by January 3, 2012 and items (m) through (q) must be completed by February 3, 2012.

The above conditions were noted at the time of inspection and may not necessarily reflect all deficiencies. You are advised that further work may be required to ensure full compliance with the Public Health Act and regulations, or to prevent a public health nuisance.

DATED at Calgary, Alberta, December 30, 2011

Kara MacKay, BHE,BED(AD), CPHI(C)
Executive Officer
Environmental Health Officer

YOU HAVE THE RIGHT TO APPEAL

A person who a) is directly affected by a decision of a Regional Health Authority, and
b) feels himself aggrieved by the decision

may appeal the decision within ten (10) days after receiving the order to the Public Health Appeal Board located at 24th Floor, Telus Plaza, 10025 - Jasper Avenue, Edmonton, Alberta, T5J 1S6 Telephone (780) 427-2813.

The terms of this Order remain in effect notwithstanding the filing or proposed filing of any such appeal. If you appeal, you may also make an application to the Board for a stay of this Order pending the appeal.

A copy of the Public Health Appeal form may be obtained by contacting Alberta Health Services at (780) 342-0122 or the Public Health Appeal Board (780) 427-2813.

You are advised that all orders remain in effect pending such an appeal

HEALTH LEGISLATION, REGULATIONS AND STANDARDS

Electronic versions of the Public Health Act and Regulations are available at the Alberta Queen's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or www.qp.gov.ab.ca.

Health Legislation and regulations are available for purchase. Please contact Alberta Queen's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7) or www.qp.gov.ab.ca.

Copies of standards are available by contacting the Health Protection Branch of Alberta Health & Wellness at (780) 427-4518, or by visiting: www.health.alberta.ca/about/health-legislation.html

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RE: The Food Establishment located in Calgary, Alberta and municipally described as:144 1830 52 Street SE

Confirmation of an oral order issued to Abdul Elkadri, at 11:30am on December 22, 2011.

AIRDRIE Regional Health Centre

604 Main Street South
Airdrie, AB T4B 3K7
Phone: 403-912-8400
Fax: 403-912-8410

BANFF Health Unit

303 Lynx Street
PO Box 1266
Banff, AB T1L 1B3
Phone:403-762-2990
Fax: 403-762-5570

CALGARY - Southport Atrium

10101 Southport Road SW
Calgary, AB T2W 3N2
Phone:403-943-2288
Fax: 403-943-8056

CANMORE Public Health

#104, 800 Railway Avenue
Canmore, AB T1W 1P1
Phone: 403-678-5656
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CLARESHOLM Public Health

5221 2nd Street W
PO Box 1391
Claresholm, AB T0L 0T0
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Fax: 403-625-4062

COCHRANE Community Health Centre

60 Grande Boulevard
Cochrane, AB T4C 0S4 Phone:
403-851-6000
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OKOTOKS Health and Wellness Centre

11 Cimarron Common
Okotoks, AB T1S 2E9
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STRATHMORE Public Health Office

650 Westchester Road
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www.albertahealthservices.ca/eph.asp

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