

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

**To: 1097785 Alberta Inc.  
8294 Centre Street NE  
Calgary, AB  
T3K 2X4**

**Dwaine Ingarfield  
623 Varsity Estates Crescent NW  
Calgary, AB  
T3B 3C4**

**Michael Ingarfield  
2140 3 Avenue NW  
Calgary, AB  
T2N 0K4**

**Re: The Food Establishment located in Calgary, Alberta and municipally described as:  
Paddy O'Leary's  
8294 Centre 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. Evidence of roof leaks in several areas of the facility (kitchen, bar, customer service area of bar) Ceiling tiles were removed, some tiles were water logged, cookie sheets and buckets were placed in the ceiling to collect water. Water was dripping in the customer service area of the bar;
- b. Water was pooled on the floor beneath the bar counter;
- c. There was a hardened pool of black paint which had leaked from a can beneath the bar counter;
- d. It was not possible to confirm that sanitising was occurring in the bar dishwasher as iodine was being used in a stationary chamber front loading dishwasher.
- e. There was neither soap nor a single use towel dispenser in the bar;
- f. Routine testing of dishwashers and other equipment was not being done;
- g. Light shatter shields were missing from several fixtures;
- h. A section of the kitchen wall covering was removed exposing drywall and plywood;
- i. There was an accumulation of grime and debris on floors and shelves;

- j. There were garbage bags of recyclables next to and a mop bucket and mop leaning on the icemaker.
- k. There was a toilet in the ladies washroom that was out of order;
- l. There was waste water pooled on the floor from a clogged urinal which had overflowed in the men's washroom.

AND WHEREAS such inspection disclosed that the following breaches of the Public Health Act Food Regulation AR31/2006 and the Food Retail and Foodservices Code 2003 exist in and about the above noted food establishment, namely:

- a. Evidence of roof leaks in several areas of the facility (kitchen, bar, customer service area of bar) Ceiling tiles were removed, some tiles were water logged, cookie sheets and buckets were placed in the ceiling to collect water. Water was dripping in the customer service area of the bar which is a breach of the Food Regulation AR 31/2006 section 17 (1) (a);
- b. Water was pooled on the floor beneath the bar counter which is a breach of the Food Regulation AR 31/2006 section 28 (2);
- c. There was a hardened pool of black paint which had leaked from a can beneath the bar counter which is a breach of the Food Regulation AR 31/2006 section 28 (2) and section 20 (2) (b);
- d. It was not possible to confirm that sanitising was occurring in the bar dishwasher as iodine was being used in a stationary chamber front loading dishwasher which is a breach of the Food Regulation AR 31/2006 section 28 (2);
- e. There was neither soap nor a single use towel dispenser in the bar which is a breach of the Food Regulation AR 31/2006 section 17 (1) (e);
- f. Routine testing of dishwashers and other equipment was not being done which is a breach of the Food Retail and Foodservices Code 2003 section 4.2.6 (2) & (f); ;
- g. Light shatter shields were missing from several fixtures which is a breach of the Food Retail and Foodservices Code 2003 section 2.7 (c);
- h. A section of the kitchen wall covering was removed exposing drywall and plywood which is a breach of the Food Regulation AR 31/2006 section 17 (1) (a);
- i. There was an accumulation of grime and debris on floors and shelves which is a breach of the Food Regulation AR 31/2006 section 28 (2);
- j. There were garbage bags of recyclables next to and a mop bucket and mop leaning on the icemaker which is a breach of the Food Regulation AR 31/2006 section 23 (1).
- k. There was a toilet in the ladies washroom out of order which is a breach of the Food Regulation AR 31/2006 section 19 (b);
- l. There was waste water pooled on the floor from a clogged urinal which had overflowed in the men's washroom which is a breach of the Food Regulation AR 31/2006 section 19 (b) and 28 (2).

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. Have all roof leaks repaired by a licensed roof repair company and submit to Alberta Health Services written confirmation of the work done by the said company;
  - b. Repair all non functional water closets and urinals and ensure washroom finishes are repaired to be smooth and impervious;
  - c. Remove the mop sink from next to the ice maker;
  - d. Install soap and single use towel dispensers in the bar;
  - e. Repair the ceiling and kitchen walls;
  - f. Clean all floors, walls and equipment of grime and undesirable substances including the duct tape on freezer units
  - g. Use the sanitiser required by the manufacturer of the dishwasher and routinely test to ensure the equipment is working properly;
  - h. Keep records of all equipment tests;
  - i. Provide to Alberta Health Services for review, a copy of your sanitation and safe operational plan for the facility.
  
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 19<sup>th</sup> day of April, 2011 and confirming the verbal closure of April 18, 2011.

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Marlene Celestin Welch  
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  
PO Box 1266  
Banff, AB T1L 1B3  
Phone: 403-762-2990

**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

**ORDER OF AN EXECUTIVE OFFICER**

**Re: The Food Establishment located in Calgary, Alberta and municipally described as 8294 Centre Street NE Calgary, Alberta**

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Fax: 403-762-5570

**Claresholm**

Claresholm Public Health  
5221 2<sup>nd</sup> Street W  
PO Box 1391  
Claresholm, AB T0L 0T0  
Phone: 403-625-4061  
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**Didsbury**

Didsbury Health Unit  
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1210 -20th Avenue  
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Phone: 403-335-7292  
Fax: 403-335-7610

**Okotoks**

Okotoks Public Health Centre  
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Okotoks, AB T1S 2E9  
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**Strathmore**

Public Health Building  
650 Westchester Road  
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[www.calgaryhealthregion.ca/envhealth](http://www.calgaryhealthregion.ca/envhealth)

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