

## **ORDER OF AN EXECUTIVE OFFICER NOTICE OF CLOSURE**

**To:** 613565 Alberta Ltd.

**and To:** Ye, David

**and To:** Yee, Kim

**(the “Owners”)**

**RE:** The food establishment located in Calgary, Alberta and municipally described as:  
**Express Café**  
**125 7 Avenue SW**

**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. There was no hot or cold running water at the plumbing fixtures in the staff, mens' and womens' washrooms;
- b. There was no hot water at the faucets in the kitchen;
- c. The soap and paper towel dispensers in the washrooms were empty;
- d. The mens' and womens' washrooms were in disrepair and unsanitary;
- e. The walls, floors and counters in the mens' and womens' washrooms were deteriorated and no longer easily cleanable;
- f. The mens' and womens' washrooms did not have mechanical ventilation;
- g. The kitchen shelves, cooking equipment, walls, floor, ceiling and food contact surfaces were dirty and had a large accumulation of grease, grime, and/or dust;
- h. Numerous chest freezers lids were in disrepair and had insulation exposed to open food;
- i. Utensils, dishes, and food contact equipment were not being washed, rinsed and sanitized;
- j. Dirty cloths were stored on food handling surfaces and there was no sanitizer readily available;
- k. There was no handwashing sink installed in the room used for preparing hamburgers;
- l. Many chemicals such as WD-40 and paint were stored in the room used for food preparation and food storage;
- m. Many articles not associated with food preparation such as fan belts, tools, and hardware were stored in the room used for food preparation;
- n. There was a major lack of food handler hygiene knowledge including wearing dirty aprons, not washing hands after smoking cigarettes, and wiping hands on dirty aprons;
- o. Many bags of potatoes and onions were stored directly on the floor;

- p. Garbage bags of empty pop/juice/milk containers were stored directly beside numerous bags of potatoes.
- q. Food products and food utensils were stored under sewer pipes;
- r. Sauce squeeze bottles had accumulation of old food/sauce and appear to not have been washed, rinsed and sanitized after use;
- s. The ceiling throughout the dining area and hallway areas was deteriorated and water damaged;
- t. The exterior roof appears to be leaking and causing the water damage on the interior ceilings;

**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. There was no hot and cold running water at the plumbing fixtures in the staff, mens' and womens' washrooms, which is in contravention of Section 17(1)(f)(i) of the Food Regulation;
- b. There was no hot water at the faucets in the kitchen, which is in contravention of Section 17(1)(f)(i) of the Food Regulation;
- c. The soap and paper towel dispensers in the washrooms were empty, which is in contravention of Section 30(4) of the Food Regulation;
- d. The mens' and womens' washrooms were in disrepair and unsanitary, which is in contravention of Section 28(2) of the Food Regulation;
- e. The walls, floors and counters in the mens' and womens' washrooms were deteriorated and no longer easily cleanable, which is in contravention of Section 19 of the Food Regulation;
- f. The mens' and womens' washrooms did not have mechanical ventilation, which is in contravention of Section 17(1)(f)(iv) of the Food Regulation;
- g. The kitchen shelves, cooking equipment, walls, floor, ceiling and food contact surfaces were dirty and had a large accumulation of grease, grime, and/or dust, which is in contravention of Section 28(2) of the Food Regulation;
- h. Numerous chest freezers lids were in disrepair and had insulation exposed to open food, which is in contravention of Section 28(3) of the Food Regulation;
- i. Utensils, dishes, and food contact equipment were not being washed, rinsed and sanitized, which is in contravention of Section 28(2) of the Food Regulation;
- j. Dirty cloths were stored on food handling surfaces and there was no sanitizer readily available, which is in contravention of Section 28(2) of the Food Regulation;
- k. There was no handwashing sink installed in the room used for preparing hamburgers, which is in contravention of Section 17(1)(e) of the Food Regulation;
- l. Many chemicals such as WD-40 and paint were stored in the room used for food preparation and food storage, which is in contravention of Section 20(1) of the Food Regulation;
- m. Many articles not associated with food preparation such as fan belts, tools, and hardware were stored in the room used for food preparation, which is in contravention of Section 20(1) of the Food Regulation;
- n. There was a major lack of food handler hygiene knowledge including wearing dirty aprons, not washing hands after smoking cigarettes, and wiping hands on dirty aprons, which is in contravention of Section 30(1) of the Food Regulation;
- o. Many bags of potatoes and onions were stored directly on the floor, which is in contravention of Section 23(1) of the Food Regulation;

- p. Garbage bags of empty pop/juice/milk containers were stored directly beside numerous bags of potatoes, which is in contravention of Section 23(1) of the Food Regulation.
- q. Food products and food utensils were stored under sewer pipes, which is in contravention of Section 23(1) of the Food Regulation;
- r. Sauce squeeze bottles had accumulation of old food/sauce and appear to not have been washed, rinsed and sanitized after use, which is in contravention of Section 28(2) of the Food Regulation;
- s. The ceiling throughout the dining area and hallway areas was deteriorated and water damaged, which is in contravention of Section 19 of the Food Regulation;
- t. The exterior roof appears to be leaking and causing the water damage on the interior ceilings, which is in contravention of Section 19 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. Repair and/or replace any equipment required to ensure the premises has a sufficient and constant supply of hot and cold running water to all plumbing fixtures in the premises;
  - b. Stock all soap and paper towel dispensers in all washrooms;
  - c. Remove and replace all deteriorated and water damaged flooring, wall coverings and counters in the mens' and womens' washrooms;
  - d. Install mechanical ventilation in the mens' and womens' washrooms;
  - e. Thoroughly clean all kitchen shelves, floors, ceiling, cooking equipment, exhaust ventilation, and food contact surfaces;
  - f. Develop a thorough cleaning schedule to ensure premises is maintained in a clean and sanitary manner;
  - g. Repair and/or replace all chest freezers that are damaged and/or in disrepair;
  - h. All dishes, equipment, utensils must be washed, rinsed and sanitized. This process must be demonstrated to the Executive Officer;
  - i. All wiping cloths must be stored in sanitizer solution. This practice must be demonstrated to the Executive Officer;
  - j. Install a handwashing sink in the food (hamburger) preparation room;
  - k. Remove all chemicals such as, but not limited to, WD-40 and paint, from the food preparation and food storage room;
  - l. Remove all items not associated with food preparation such as, but not limited to, fan belts, tools and hardware, from the food preparation and storage room;
  - m. All food handlers must complete the next available provincially certified foodsafe education course;
  - n. Store all food on appropriate surfaces and off the floor;
  - o. Remove all garbage that is stored near food and have a separate area for garbage/recyclable material;
  - p. Remove all food products and food utensils away from the sewer pipes;

- q. Discard all sauces in the squeeze bottles and wash, rinse and sanitize all squeeze bottles;
  - r. Remove and repair all deteriorated and water damaged ceiling coverings from the dining area;
  - s. Hire an exterior roofing professional to assess the condition and state of the roof and structure. Provide the detailed assessment to the Executive Officer for review and complete the recommendations made by the roofing professional to ensure the roof does not leak.
3. That until such time as the work referred to above is completed to the satisfaction of an Executive Officer of Alberta Health Services; the above noted food establishment shall remain closed.

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, January 19, 2012.

**Jeremy Donaldson, B.Sc., B.Tech., 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 24<sup>th</sup> 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](http://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](http://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](http://www.health.alberta.ca/about/health-legislation.html)**

Confirmation of an oral order issued to Kim Yee, at 13:45, January 18, 2012.

**AIRDRIE Regional Health Centre**  
604 Main Street South  
Airdrie, AB T4B 3K7  
Phone: 403-912-8400  
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**BANFF Health Unit**  
303 Lynx Street  
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Phone:403-762-2990  
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**CALGARY - Southport Atrium**  
10101 Southport Road SW  
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**CANMORE Public Health**  
#104, 800 Railway Avenue  
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**CLARESHOLM Public Health**  
5221 2<sup>nd</sup> Street W  
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Claresholm, AB T0L 0T0  
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**COCHRANE Community Health Centre**  
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**OKOTOKS Health and Wellness Centre**  
11 Cimarron Common  
Okotoks, AB T1S 2E9  
Phone: 403-995-2600  
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**STRATHMORE Public Health Office**  
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[www.albertahealthservices.ca/eph.asp](http://www.albertahealthservices.ca/eph.asp)