

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

To: F.R. Webster & Company Limited
1100, 10201 Southport Road SW
Calgary, AB
T2W 4X9
c/o Barbara Kusterski, General Manager
(the “**Owner**”)

Re: The Swimming Pool located in Banff, Alberta and municipally described as:

Small whirlpool
Banff Aspen Lodge, 401 Banff Avenue
Banff, Alberta

WHEREAS I, an **Executive Officer** of the **Calgary Health Region**, have inspected the above noted swimming pool 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 swimming pool which are or may become injurious or dangerous to the public health or which might hinder the prevention or suppression of disease, namely:

- a. Two consecutive unsatisfactory bacteriological samples submitted on December 15, 2008 and December 22, 2008. Samples were positive for *Pseudomonas aeruginosa*.
- b. Whirlpool operating records for the week of December 22, 2008 to December 28, 2008 indicate that inadequate chlorine residuals are being maintained (levels of 0.5ppm and 1ppm recorded).

AND WHEREAS such inspection disclosed that the following breaches of the Public Health Act and the Swimming Pool Regulation, Alberta Regulation 293/2006 exist in and about the above noted swimming pool, namely:

- a. Unsatisfactory bacteriological samples positive for *Pseudomonas aeruginosa* on December 15, 2008 and December 22, 2008 in contravention of Section 16 of the *Swimming Pool, Wading Pool and Water Spray Park Regulation (AR 293/2006)*.
- b. Whirlpool operating records for the week of December 22, 2008 to December 28, 2008 indicate that inadequate chlorine levels are being maintained (levels of 0.5ppm and 1ppm recorded) in contravention of Section 11(1)(b) of the *Swimming Pool, Wading Pool and Water Spray Park Regulation (AR 293/2006)*.

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 swimming pool and secure it from unauthorized entry.
2. That the Owner undertake and diligently pursue the completion of the following work in and about the above noted swimming pool, namely:
 - a. Treat whirlpool water to eliminate any possible source of contamination.
 - b. Ensure whirlpool water chemistry meets and is maintained within the parameters required by the *Swimming Pool, Wading Pool and Spray Park Regulation*.
 - c. Submit a satisfactory bacteriological sample to the Provincial Laboratory of Public Health.
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 the Calgary Health Region, the above noted swimming pool shall remain closed and secured from unauthorized entry.

Dated at Banff, Alberta, this 29 day of December, 2008.

Kori Woodard
Executive Officer
Calgary Health Region

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 the Calgary Health Region 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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www.calgaryhealthregion.ca/envhealth

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