



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

**To: Condo Corp Plan #0112575 (Chateau World)**

Banff Gate Mountain Lodge/Spa  
1200 Harvie Heights Road  
Harvie Heights, AB T1W 2W2

**Arek Rachfael**

Banff Gate Mountain Lodge  
1200 Harvie Heights Road  
Harvie Heights, AB T1W 2W2

**Re:** The Swimming Pool located in Harvie Heights, Alberta and municipally described as:

**Banff Gate Mountain Lodge Swimming Pool and Whirl Pool**

1200 Harvie Heights Road  
Harvie Heights, AB T1W 2W2

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. Bacteriological water samples are not being collected and submitted to the Provincial Laboratory at appropriate intervals. No water samples have been submitted for bacteriological analysis since April 28, 2008.
- b. Swimming pool alkalinity measured 60 ppm and whirl pool alkalinity measured 40 ppm.
- c. Alkalinity is not being tested in the swimming pool or the whirl pool.
- d. Swimming pool and whirl pool operating records are not being kept.
- e. Hatch used to access whirl pool pipes beside the whirl pool was not secured.

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

- a. Bacteriological water samples are not being collected and submitted to the Provincial Laboratory at appropriate intervals. This is in contravention of section 15 (1) of the Swimming Pool, Wading Pool, and Water Spray Park Regulation (AR 293/2006), which states that *“Every week a sample of the water in a pool must be taken and submitted to the Provincial Laboratory of Public Health (Microbiology) for microbiological testing.”*
- b. Swimming pool alkalinity measured 60 ppm and whirl pool alkalinity measured 40 ppm, which is in contravention to Section 3(3) of the Pool Standards (2006) which states that *“To assist in maintaining proper pH, the alkalinity must be maintained at 80-120ppm and measured weekly.”*
- c. Alkalinity is not being tested in the swimming pool or whirl pool, which is in contravention of Section 14 (1) of the Swimming Pool, Wading Pool, and Water Spray Park Regulation (AR 293/2006), which states that *“A responsible person must monitor pool water quality routinely and keep proper records of testing results.”*
- d. Swimming pool and whirl pool operating records are not being kept, which is in contravention of Section 14 (1) of the Swimming Pool, Wading Pool, and Water Spray Park Regulation (AR 293/2006), which states that *“A responsible person must monitor pool water quality routinely and keep proper records of testing results.”*
- e. Hatch used to access whirl pool pipes beside the whirl pool was not secured, which is in contravention of Section 22 (c) of the Swimming Pool, Wading Pool, and Water Spray Park Regulation (AR 293/2006), which states that *“A pool and the buildings, equipment and premises used in conjunction with it must be operated so that all the activities in the pool area are conducted so as to minimize contamination of the pool and provide for the safety of the patrons.”*

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. Submit water samples for bacteriological analysis every week of operation to the Provincial Laboratory of Public Health (Microbiology) for microbiological testing.
  - b. Ensure the whirl pool water chemistry meets the parameters required by the Swimming Pool, Wading Pool, and Water Spray Park Regulation (AR 293/2006) and Pool Standards (2006).

- c. Maintain accurate daily chemical testing and pool operation records.
  - d. Secure the hatch used to access whirl pool pipes beside the whirl pool.
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 Harvie Heights, Alberta, this 11<sup>th</sup> day of July, 2008 to follow a verbal order issued July 8, 2008.

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Lindsay Sullivan  
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, 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 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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