



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

**To:** **905753 Alberta Ltd.**  
200, 201 Bear St.  
Banff, Alberta T1L 1B9

**And to:** **Robert Henderson (Director)**  
1001, 300 Meredith Rd NE  
Calgary, Ab T2E 7A8

**And to:** **Lynne Henderson (Director)**  
1001, 300 Meredith Rd NE  
Calgary, Ab T2E 7A8

**And to:** **Jason Henderson (Director and Manager)**  
453 Marten Street, Box 1387  
Banff, Alberta T1L 1B3

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

Best Western Siding 29 Lodge, 453 Marten St.  
Banff, Alberta T1L 1B3

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. Free available chlorine concentration was measured at approximately 100 ppm.
- b. pH was measured at 7.8.
- c. On-site staff has inadequate training in pool maintenance and operations.
- d. The skimmer does not have a weir.
- e. Operation and maintenance records not maintained.
- f. The flow meter is not functioning properly.

AND WHEREAS such inspection disclosed that the following breaches of the Public Health Act and the Swimming Pool Regulation, Alberta Regulation 247/85 exist in and about the above noted swimming pool, namely:

- a. Free available chlorine concentration in the pool water was approximately 100 ppm contravening section 8 of the above noted Regulation which states: "The owner and the responsible person must ensure that the pool is operated and maintained to provide water that is microbiologically, chemically and physically safe for use".
- b. pH of the pool water was 7.8 contravening section 11(3) of the above noted Regulation which states: "The pH of the water in a pool must be maintained at not less than 6.8 and not more than 7.6".
- c. On-site staff has inadequate training in pool maintenance and operations contravening section 7(2) of the above noted Regulation which states: "The responsible person must ensure that the pool is operated and maintained by a person who meets the qualifications set out in the Pool Standards for a person who operates a pool".
- d. The skimmer does not have a weir contravening section 9(1)(a) of the above noted Regulation which states: "A pool must have filtration, circulation system and disinfection equipment that are in place and operated in accordance with the pool's design plans".
- e. Operation and maintenance records not maintained contravening section 14(1) of the above noted Regulation which states: "A responsible person must monitor pool water quality routinely and keep proper records of testing results" and section 14(2) of the Regulation which states: "Tests for free chlorine, combined chlorine and pH must be conducted during the normal operating hours of a pool as often necessary to enable the responsible person to demonstrate water quality".
- f. The flow meter is not functioning properly contravening section 9(1)(a) of the above noted Regulation which states: "A pool must have filtration, circulation system and disinfection equipment that are in place and operated in accordance with the pool's design plans".

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. Reduce and maintain the free available chlorine concentration of the water to between 2.0 milligram per litre and 10.0 milligrams per litre.
  - b. Adjust and maintain the pH of the water at not less than 6.8 and not more than 7.6.
  - c. Ensure the pool is operated and maintained by a person who meets the qualifications set out in the Pool Standards.
  - d. Provide a weir for the skimmer.
  - e. The responsible person must monitor and record pool water quality on a daily basis. The responsible person must demonstrate that the pool chemistry can be consistently maintained at a safe level.

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Re: The Whirl Pool located in Banff, Alberta and municipally described as 453 Marten St., Banff, Alberta

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- f. Repair and/or replace the flow meter.
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 25 day of July, 2008 confirming the verbal order given on the 24 day of July, 2008.

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Zara Zychowicz CPHI(C)  
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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**Airdrie**

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

**Banff**

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

**Calgary/Mountain View/Rocky View**

Calgary Health Region, Centre 15  
1509 Centre Street SW  
Calgary, AB T2G 2E6  
Phone: 403-943-8060  
Fax: 403-943-8090

**Canmore**

Canmore Public Health  
#104, 800 Railway Avenue  
Canmore, AB T1W 1P1  
Phone: 403-678-5656  
Fax: 403-678-5068

**Claresholm**

Claresholm Public Health  
5221 2<sup>nd</sup> Street W  
PO Box 1391  
Claresholm, AB T0L 0T0  
Phone: 403-625-4061  
Fax: 403-625-4062

**Didsbury**

Didsbury Health Unit  
PO Bag 130  
1210 -20th Avenue  
Didsbury, AB T0M 0W0  
Phone: 403-335-7292  
Fax: 403-335-7610

**Okotoks**

Okotoks Public Health Centre  
11 Cimarron Commons  
Okotoks, AB T1S 2E9  
Phone: 403-995-2600  
Fax: 403-995-2639

**Strathmore**

Public Health Building  
650 Westchester Road  
Strathmore, AB T1P 1H8  
Phone: 403-361-7200  
Fax: 403-361-7244

[www.calgaryhealthregion.ca/envhealth](http://www.calgaryhealthregion.ca/envhealth)