



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

**To: Kevin Macleod - Maintenance Manager**  
**Andre Fabbri – General Manager**  
**Mutsumi Enterprises – Douglas Fir Resort**  
373 Tunnel Mountain Road, BOX 1228  
Banff AB T1L 1B2

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

Douglas Fir Resort, Indoor Whirlpool Waterslide  
373 Tunnel Mountain Road, BOX 1228  
Banff AB T1L 1B2

WHEREAS I, an **Executive Officer** of the **Calgary Health Region**, have inspected the above noted Whirlpool 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. The last sample dated January 28, 2008 had the presence of *Pseudomonas aeruginosa* and a heterotrophic count of more than 57000 CFU per ml.
- b. Four out of the last seven microbiological samples collected from December 17, 2007 to January 28, 2008 were unsatisfactory.

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

- a. The last sample dated January 28, 2008 had the presence of *Pseudomonas aeruginosa* and a heterotrophic count of more than 57000 CFU per ml. This is a contravention of section 16 that states "The quality of water in a pool must be maintained so that samples of the water (a) do not have a heterotrophic plate count of more than 100 bacteria per millilitre, (b) do not show the presence of *Pseudomonas aeruginosa*, and (c) do not show the presence of coliforms in a 100 millilitre sample."
- b. Four out of the last seven microbiological samples collected from December 17, 2007 to January 28, 2008 were unsatisfactory. This is a contravention of section 16 that states "The quality of water in a pool must be maintained so that samples of the water (a) do not have a heterotrophic plate count of more than 100 bacteria per millilitre, (b) do not show the presence of *Pseudomonas aeruginosa*, and (c) do not show the presence of coliforms in a 100 millilitre sample."

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 whirlpool 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 the whirlpool water to eliminate any possible source of contamination and then chemically balance the whirlpool.
  - b. Submit a sample to the Provincial Laboratory for microbiological analysis.
3. That until such time as the work referred to in paragraph 2 is completed **AND** the sample from 2b above has been received and confirmed as satisfactory the above noted swimming pool shall remain closed and secured from unauthorized entry.

Dated in Banff, Alberta, this 1<sup>st</sup> day of February, 2008.

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Gary Obertowich 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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