

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

To: 1489323 Alberta Ltd.
11 West Side Drive
Cochrane, Alberta T4C 1M1
(the “**Owner**”)

Sang Yong Kim
11 West Side Drive
Cochrane, Alberta T4C 1M1
(the “**Owner**”)

Michelle Kim
11 West Side Drive
Cochrane, Alberta T4C 1M1
(the “**Owner**”)

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

Best Western Harvest Country
11 West Side Drive

WHEREAS I, an **Executive Officer** of **Alberta Health Services**, 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 whirlpool 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 owner has no knowledge with respect to the operation of the whirlpool nor has assigned a responsible person.
- b. The microbiological quality of the water in the whirlpool is unknown. There are no sampling records to indicate whether the whirlpool water has ever been tested to meet microbiological parameters.
- c. The chemical quality of the whirlpool water is unknown. The owner does not have any means to test the whirlpool water to confirm that it meets the required chemical parameters.
- d. The owner does not have any written policies respecting to the operation of the whirlpool.

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Re: The Whirlpool located in Cochrane, Alberta and municipally described as Best Western Harvest Country, located at 11 West Side Drive, Cochrane, Alberta

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

- a. The owner is operating the whirlpool without a valid and subsisting swimming pool permit from Alberta Health Services. This is in contravention to Section 4(1)(a) of the Regulation.
- b. The owner has not submitted an application to Alberta Health Services for a permit to operate the whirlpool. This is in contravention to Section 4(3) of the Regulation.
- c. The owner has no knowledge with respect to the operation of the whirlpool nor has assigned a responsible person. This is in contravention to Section 4(1)(b) of the Regulation and to Section III(1)(1) of the Standard.
- d. The microbiological quality of the water in the whirlpool is unknown. There are no sampling records to indicate whether the whirlpool water has ever been tested to meet microbiological parameters. This is a contravention to Section 15(1) of the Regulation.
- e. The chemical quality of the whirlpool water is unknown. The owner does not have any means to test the whirlpool water to confirm that it meets the required chemical parameters. This is in contravention to Section 14(2) of the Regulation.
- f. The owner does not have any written policies respecting to the operation of the whirlpool. This is in contravention to Section 20(1) of the 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 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 an application for a permit in writing to Alberta Health Services. The application must meet Alberta Building Code for specific requirements for pool construction and be complete to include the following:
 - (i) a site plan;
 - (ii) a floor plan;
 - (iii) a structural plan;

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- (iv) a mechanical plan;
 - (v) the method of waste water disposal;
 - (vi) a diagram showing the location and dimensions of the diving, swimming and deck areas, if any;
 - (vii) the pool volume;
 - (viii) the maximum design bathing load at any given time;
 - (ix) a description of the type of disinfectant, delivery system, chlorinator capacity, automatic monitoring and feeding equipment;
 - (x) detailed drawings of the water circulation system, filtration equipment, disinfection equipment and all related equipment;
 - (xi) a description of
 - i. the filter area, type and rate,
 - ii. the filtration gauges for measuring pressure change,
 - iii. the turnover rate,
 - iv. the rate of flow indicators,
 - v. temperature indicators to be installed on the inlet and discharge to all heating equipment,
 - vi. the number of inlets
 - vii. the number of skimmers or gutter drains,
 - viii. the pool finishes and colour of basin,
 - ix. the make up water source,
 - x. the type of backflow prevention used on the make up water supply,
 - xi. the main drains,
 - xii. the anti-entrapment prevention devices, and
 - xiii. the pool testing equipment;
 - (xii) if the application relates to construction of a new pool, a copy of the design plans for the pool for which all aspects of the operation and construction have been reviewed and stamped by a professional engineer or architect and for which a permit has been issued under the *Safety Codes Act* if it is required by that Act.
- b. Obtain a permit from Alberta Health Services for the operation of the whirlpool.
- c. Obtain training in pool operation, water chemistry, pool filtration and maintenance, or assign a responsible person to the role.
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 Alberta Health Services, the above noted swimming pool shall remain closed and secured from unauthorized entry.

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Dated at Calgary, Alberta, this 21st day of October, 2009, confirming a verbal order issued on the 20th day of October, 2009.

Grace Mar, CPHI(C)
Executive Officer
Alberta Health Services

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 Alberta Health Services 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.

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

Alberta Health Services, *Southport*
10101 Southport Rd SW
Calgary, AB T2W 3N2
Phone: 403-943-2288
Fax: 403-943-8056

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 2nd Street W
PO Box 1391
Claresholm, AB T0L 0T0
Phone: 403-625-4061
Fax: 403-625-4062

Didsbury

Didsbury Health Unit
PO Box 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