

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

**To: Kinsman, Marvin and Terri**  
Box 45 Site 14 RR#1  
Strathmore, Alberta T1P 1J6  
(the “**Owner**”)

**Re:** The Whirlpool located at the Rocking ‘R’ Guest Ranch Bed and Breakfast in Wheatland County, Alberta and municipally described as:

Northwest Quarter, Section 27, Township 23, Range 24, West of the 4<sup>th</sup> Meridian  
Wheatland County, Alberta

WHEREAS I, an **Executive Officer** of **Alberta Health Services**, 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. The whirlpool is being operated without a permit or health approval.

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 whirlpool is being operated without a permit or health approval, contravening Section 4 (1) (a) of the Swimming Pool, Wading Pool and Water Spray Park 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. Complete an application and obtain a permit;
  - b. Permanently drain and/or move the whirlpool making it inaccessible to guests;

- c. Eliminate all references to whirlpool access in all advertising associated with the Rocking 'R' Guest Ranch Bed and Breakfast.
3. That until such time the work referred to in paragraph 2, item "a," the above noted whirlpool shall remain closed and secured from unauthorized entry.

The work referred to in paragraph 2, items "b" and "c" must be completed by 21:00 hr, Monday, October 5, 2009 to the satisfaction of the undersigned, or an executive officer of Alberta Health Services.

Dated at Strathmore, Alberta, this 5<sup>th</sup> day of October, 2009 and confirming the verbal order of October 1, 2009.

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Jeremy Donaldson B.Sc., B.Tech., CPHI(C)  
Executive Officer  
Alberta Health Services – Calgary Zone

***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 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.***

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