

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

To: Charlton's Evergreen Court
459 Banff Ave
PO Box 1478
Banff, AB, T1L 1B4
c/o Mr. Wade Charlton

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

The Delta Banff Royal Canadian Lodge
459 Banff Ave
Banff, AB T1L 1B4

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 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 presence of *Pseudomonas aeruginosa* in two consecutive microbiological samples collected on January 21, 2009 and January 26, 2009.

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 presence of *Pseudomonas aeruginosa* in two microbiological samples collected on January 21st 2009 and January 26th 2009. This is in contravention of Section 16(b) of the Pool, Wading Pool and Water Spray Park Regulation, Alberta Regulation 293/2006 which states "the quality of water in a pool must be maintained so that samples of the water do not show the presence of *Pseudomonas aeruginosa*."

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 whirlpool, namely:
 - a. Treat the whirlpool water to eliminate any possible source of contamination and then chemically balance the whirlpool.
 - b. Submit a water sample for bacteriological analysis to the Provincial Laboratory of Public Health (Microbiology) for microbiological testing.

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, and until such time as a water sample from paragraph 2b is confirmed to be satisfactory, the above noted whirlpool shall remain closed and secured from unauthorized entry.

Dated at Banff, Alberta, this 30th day of January, 2009, confirming a Verbal Order given on January 29th 2009.

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, 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 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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