

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

To: Birkenbach Holdings Ltd.
333 Banff Avenue
Banff, Alberta T1L 1B1
c/o Bill Squarebriggs, General Manager, Banff International Hotel
(the “**Owner**”)

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

Banff International Hotel Whirlpool
333 Banff Avenue
Banff, 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 pH level of the whirlpool was at 7.8.
- b. The automated control system for the whirlpool was not calibrated with the manual tests of the whirlpool water.

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 pH level of the whirlpool was at 7.8, in contravention of Section 11(3) of the Regulation.
- b. The automated control system for the whirlpool was not calibrated with the manual tests of the whirlpool water, in contravention of Section 12(2)(b) 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. Maintain pH between 6.8 and 7.6.
 - b. Maintain automated control system in calibration with the manual tests of the whirlpool water.
3. That until such time as the work referred to in paragraph 2(a) and 2(b) 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.

Dated at Banff, Alberta, this 19th day of October, 2010, confirming a verbal Order issued on October 18th, 2010.

Kori Woodard
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.

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