

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

To: Shibani Chakraborty
To: 387087 Alberta Ltd.
184 Shawnessy Drive S.W.
Calgary, Alberta T2Y 1B5

Re: The social care facility located in Calgary, Alberta and municipally described as:
Shawnessy Day Care
184 Shawnessy Drive S.W.
Calgary, Alberta T2Y 1B5

WHEREAS I, an **Executive Officer** of **Alberta Health Services**, have inspected the playground at the above noted Social Care Facility 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 social care facility which are or may become injurious or dangerous to the public health or which might hinder the prevention or suppression of disease, namely:

- a. There is inadequate depth of protective surfacing under and around the play structure.
- b. There is a wooden border located within 1 ft of the play structure and there are patches of grass growing within the safe fall zone.
- c. Wooden play structure does not have handrails to assist moving up and down the structure.
- d. Entrapment hazards identified throughout the wooden play structure, especially at the ladder rungs and guardrails.
- e. Entanglement hazards identified between the platform and the guardrails adjacent to the slide.
- f. There are missing and damaged wooden slats in various guardrails. There are horizontal filler rails at the lower platform.
- g. There are exposed nails and staples at various locations on the play structure. There is splintering wood in various locations.
- h. The old unused sandbox has exposed nails and splintering wood.
- i. There are large and heavy tires in the playground that are being used for free play. Tires do not have adequate draining, resulting in accumulation of water inside.

AND WHEREAS such inspection disclosed that the following breaches of the Public Health Act and the Nuisance and General Sanitation Regulation , Alberta Regulation 243/2003 exist in and about the above noted social care facility, namely:

- a. There is inadequate depth of protective surfacing under and around the play structure. . This is in contravention to section 2(1) the Nuisance and General Sanitation Regulation which states no one shall create, commit or maintain a

- nuisance.
- b. There is a wooden border located within 1 ft of the play structure and there are patches of grass growing within the safe fall zone. This is in contravention to section 2(1) of the Nuisance and General Sanitation
 - c. Wooden play structure does not have handrails to assist up and down the structure. This is in contravention to section 2(1) of the Nuisance and General Sanitation Regulation.
 - d. Entrapment hazards identified throughout the wooden play structure, especially at the ladder rungs and guardrails. This is in contravention to section 2(1) of the Nuisance and General Sanitation Regulation.
 - e. Entanglement hazards identified between the platform and the guardrails adjacent to the slide. This is in contravention to section 2(1) of the Nuisance and General Sanitation Regulation
 - f. There are missing and damaged wooden slats in various guardrails. There are horizontal filler rails at the lower platform. This is in contravention to section 2(1) of the Nuisance and General sanitation Regulation.
 - g. There are exposed nails and staples at various locations on the play structure. There is splintering wood in various locations. This is in contravention to section 2(1) of the nuisance and General Sanitation Regulation.
 - h. The old unused sandbox has exposed nails and splintering wood. This is in contravention to section 6 of the Institution Regulation and section 2(1) of the Nuisance and General Sanitation Regulation.
 - i. There are large and heavy tires in the playground that are being used for free play. Tires do not have adequate draining, resulting in accumulation of water inside. This is in contravention to section 2(1) of the Nuisance and General Sanitation Regulation.

AND WHEREAS by virtue of the foregoing, the playground at the Shawnessy Daycare Centre are hereby declared to be **closed**.

NOW THEREFORE, I hereby **ORDER** and **DIRECT**:

1. That the Owner undertake and diligently pursue the completion of the following work in and about the above noted social care facility, namely:
 - a. Ensure there is an adequate safe fall surface around all play equipment.
 - b. Remove the wooden border located within a foot of the wooden play structure.
 - c. Install rails on the wooden play structure to assist children going up or down the structure.
 - d. Eliminate all entrapment hazards throughout the wooden play structure.
 - e. Make necessary repairs to all guardrails and eliminate any horizontal filler rails at the lower platform.
 - f. Ensure that there are no exposed nails or staples on the wooden play structure and eliminate any splintered surfaces.
 - g. Remove the old sandbox from outdoor play area.
 - h. Ensure that water can not accumulate in the play tires.
2. 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 playground at the above noted premises shall remain closed.

Dated at Calgary, Alberta, this 15th day of June, 2009 and confirming verbal order of June 12th, 2009.

Edmond Gee 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