

ORDER OF AN EXECUTIVE OFFICER NOTICE OF CLOSURE

To: David Malcolm
"the Owner"

RE: The food establishment located in Calgary, Alberta and municipally described as:
Exceptional Gourmet Foods
2 – 4312 Ogden Road SE

WHEREAS I, an **Executive Officer of Alberta Health Services**, have inspected the above noted premises 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 premises which are or may become injurious or dangerous to the public health or which might hinder in any manner the prevention or suppression of disease, namely:

- a. The owner of the business has not completed a food safety course recognized by the Health Minister.
- b. There was insufficient equipment available for proper manual dishwashing. There were no drain plugs available for the two compartment dishwashing sinks.
- c. There was a lack of food preparation space/surfaces available in the food establishment.
- d. Multiple mobile food vending units associated with the business have not been approved by Alberta Health Services and are therefore operating without valid and subsisting food handling permits from Alberta Health Services.
- e. There was an accumulation of items that were not associated with or required for the operation or maintenance of the food establishment being stored in the food establishment. Household furniture and other items were being stored in the food establishment.
- f. There were unfinished wood surfaces on the base of the table holding the two-compartment sink and handwashing sink, as well as on a table in the receiving area.

AND WHEREAS such inspection disclosed that the following breaches of the Public Health Act and the Food Regulation, Alberta Regulation 31/2006 and the Food Retail and Foodservices Code exist in and about the above noted premises, namely:

- a. Operating without a valid and subsisting food handling permit from Alberta Health Services. This contravenes section 3(1)(a)(b) of the Food Regulation, AR 31/2006 which states that: no person shall operate a food establishment unless the person is an operator who holds a valid and subsisting permit for the operation of the food establishment, and the food establishment is identified on the permit as approved by the regional health authority that issued the permit.
- b. The owner of the business has not completed a food safety course recognized by the Health Minister. This contravenes section 31(1) of the Food Regulations, AR 31/2006 which states that: A person operating a commercial food establishment must, at any time when there are 5 or fewer food handlers working on the premises, ensure that at least one

individual who has care and control of the commercial food establishment holds a certificate issued by the Minister confirming that individual's successful completion of a food sanitation and hygiene training program or a document that the Minister considers equivalent to such a certificate.

- c. There was insufficient equipment available for proper manual dishwashing. There were no drain plugs available for the two compartment dishwashing sinks. This contravenes section 28(1) of the Food Regulation, AR 31/2006 which states that: A commercial food establishment must have all the facilities, equipment and utensils that are necessary to ensure its safe operation and maintenance.
- d. There was a lack of food preparation space/surfaces available in the food establishment. This contravenes section 28(1) of the Food Regulation, AR 31/2006 which states that: A commercial food establishment must have all the facilities, equipment and utensils that are necessary to ensure its safe operation and maintenance.
- e. Multiple mobile food vending units associated with the business have not been approved by Alberta Health Services and are therefore operating without valid and subsisting food handling permits from Alberta Health Services. This contravenes section 3(1)(a)(b) of the Food Regulation, AR 31/2006 which states that: no person shall operate a food establishment unless the person is an operator who holds a valid and subsisting permit for the operation of the food establishment, and the food establishment is identified on the permit as approved by the regional health authority that issued the permit.
- f. There was an accumulation of items that were not associated with or required for the operation or maintenance of the food establishment being stored in the food establishment. Household furniture and other items were being stored in the food establishment. This contravenes section 20(1) of the Food Regulation, AR 31/2006 which states that: all articles and materials in a commercial food establishment that are not associated with or required for the operation or maintenance of the food areas must be stored separately from the food and the food areas and in a manner that contaminates neither.
- g. There were unfinished wood surfaces on the base of the table holding the two-compartment sink and handwashing sink, as well as on a table in the receiving area. This contravenes section 17(1)(a) of the Food Regulation, AR 31/2006 which states that: An operator must ensure that, before operation of the commercial food establishment commences, the commercial food establishment is of sound construction and in a good state of repair.

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 premises.
2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Obtain a valid food handling permit from Alberta Health Services.
 - b. Provide the owners certificate of successful completion of a food sanitation and hygiene training program approved by the Health Minister.
 - c. Ensure that all equipment required for manual dishwashing is available.

- d. Ensure that there is sufficient food preparation space/surfaces available in the food establishment.
 - e. Provide a complete list that identifies all vehicles/mobile food vending units associated with the food establishment. Provide a complete description of how the mobile units operate inclusive of the food safety plan.
 - f. Obtain valid food handling permits from Alberta Health Services for all mobile food vending units associated with the food establishment.
 - g. Remove any and all items (i.e. household furniture and other household items) not associated with or required for the operation or maintenance of the food establishment from food/equipment storage and preparation areas.
 - h. Apply a smooth, impervious and easy to clean finish to the base of the table holding the two-compartment sink and handwashing sink, as well as the surfaces of the table in the receiving area.
3. That until such time as the work referred to above is completed to the satisfaction of an Executive Officer of Alberta Health Services; the above noted premises shall remain closed.

The above conditions were noted at the time of inspection and may not necessarily reflect all deficiencies. You are advised that further work may be required to ensure full compliance with the Public Health Act and regulations, or to prevent a public health nuisance.

DATED at Calgary, Alberta, March 18, 2024.

Confirmation of a verbal order issued to David Malcolm on March 15, 2024.

Executive Officer
Alberta Health Services

You have the right to appeal

A person who a) is directly affected by a decision of a Regional Health Authority, and
 b) feels himself aggrieved by the decision

may appeal the decision by submitting a Notice of Appeal form within ten (10) days after receiving the order to:

Public Health Appeal Board
c/o Central Reception
Main Floor, ATB Place North Tower
10025 Jasper Avenue NW
Edmonton, Alberta, T5J 1S6
Phone: 780-222-5186
Fax: 780-422-0914
Email: HealthAppealBoard@gov.ab.ca
Website: <https://www.alberta.ca/public-health-appeal-board.aspx>

A Notice of Appeal form may be obtained by contacting the Public Health Appeal Board or visiting their website.

Health Legislation, Regulations and Standards

Electronic versions of the Public Health Act and Regulations are available at the Alberta King's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or <https://www.alberta.ca/alberta-kings-printer.aspx>.

Health Legislation and regulations are available for purchase. Please contact Alberta King's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or <https://www.alberta.ca/alberta-kings-printer.aspx>.

Copies of standards are available by visiting: <https://www.alberta.ca/health-standards-and-guidelines.aspx>

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www.ahs.ca/eph