

ORDER OF AN EXECUTIVE OFFICER

To: Fresh In The City Inc
"the Owner"

Branko Kovacevic
"the Owner"

RE: The food establishment located in Calgary, Alberta and municipally described as:
Fresh In The City
3 - 3715 61 Avenue 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. There was an accumulation of dirt and debris throughout the food establishment including, on floors and walls under and/or behind food equipment and in hard-to-reach areas.
- b. A written cleaning schedule was not available.
- c. Boxes/containers of food were stored on the floor and were piled haphazardly in the walk-in cooler and freezer.
- d. The handwashing sinks in the kitchen were inaccessible. Wiping cloths and produce were stored in a sink basin, and a plastic container was stored in front of a sink obstructing access.
- e. Cooked bacon was placed on empty egg trays/crates to drain excess grease.
- f. There was grease accumulation and discoloration on the walls and ceiling surrounding the cooking line.
- g. A frozen meat loaf was observed in a dishwashing sink on the dirty bread baking trays.
- h. Prepared sandwiches did not have appropriate/consistent best before dates. It was observed that the sandwich best before labels were as much as 10 days from the date of preparation.
- i. There was a gap between the counter and wall joint at the front handwashing sink; the laminate finish was peeling off the wall.
- j. Ceiling tiles were missing in the front dining room area and in the kitchen above the coolers, freezers and grill.
- k. The floor was pitted/cracked and missing a sealed finish.
- l. A cover was missing for the light fixture above the food preparation table in the kitchen.
- m. The silicon caulking around the three-compartment sink basins in the kitchen was moldy and peeling.
- n. Many food safety processes were not implemented, food safety standards were ignored by food handlers within the food establishment.

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 2003 exist in and about the above noted premises, namely:

- a. There was an accumulation of dirt and debris throughout the food establishment including, on floors and walls under and/or behind food equipment and in hard-to-reach areas. This is in contravention of section 28(2) of the Food Regulation AR 31/2006, which states: A commercial food establishment, all equipment and utensils in it and all surfaces in it with which food comes into contact must be maintained in a sanitary condition and, without limiting the foregoing, must be washed, and sanitized in a manner that removes contamination.
- b. A written cleaning schedule was not available upon request. This is in contravention of Food Regulation AR 31/2006, section 29, which states: A commercial food establishment must have written procedures designed to ensure its safe and sanitary operation and maintenance. The procedures must include the cleaning and sanitizing requirements the food establishment and all equipment and utensils in it and a list of all cleaning and sanitizing agents used including their concentrations and uses.
- c. Boxes/containers of food were stored on the floor and were piled haphazardly in the walk-in cooler and freezer. This is in contravention of the Food Regulation AR 31/2006, section 23 & 28, which states that: All food, equipment, and utensils must be stored in a manner that protects them from contamination.
- d. The handwashing sinks in the kitchen were inaccessible. Wiping cloths and produce were stored in a sink basin, and a plastic container was stored in front of a sink obstructing access. This is in contravention of the Food Regulation AR 31/2006, section 17(1) (e), which states that: The handwashing stations are adequate in number and situated to ensure convenient access by all food handlers.
- e. Cooked bacon was placed on empty egg trays/crates to drain excess grease. This is in contravention of the Food Regulation AR 31/2006 section 23(1) which states that: All food used or to be used in a commercial food establishment must be protected from contamination and handled in a sanitary manner.
- f. There was grease accumulation and discoloration on the walls and ceiling surrounding the cooking line. This is in contravention of the Food Regulation AR 31/2006 section 17(1)(f)(iv) which states that: A commercial food establishment, all equipment and utensils in it and all surfaces in it in which food comes into contact must be maintained in a sanitary condition and, without limiting the foregoing, must be washed and sanitized in a manner that removes contamination. AR 31/2006 s 28(2)
- g. A frozen meat loave was observed in a dishwashing sink on dirty bread baking trays for thawing. This is in contravention of the Food Regulation AR 31/2006 section 24, which states that: All food processing must be done in a manner that makes the food safe to eat.
- h. Prepared sandwiches did not have appropriate/consistent best before dates. It was observed that the sandwich best before labels were as much as 10 days from the date of preparation. This is in contravention of the Food Regulation AR 31/2006 section 24 and 29 (1) which states that: All food processing must be done in a manner that makes the food safe to eat, and a commercial food establishment must have written procedures designed to ensure its safe and sanitary operation and maintenance respectively.
- i. There was a gap between the counter and wall joint at the front handwashing sink; the laminate finish was peeling off the wall. This is in contravention of the Food Regulation AR

31/2006 section 17(1) & 19 which states that: An operator shall ensure that a food establishment is of sound construction and in a good state of repair and is so designed as to facilitate the effective cleaning and sanitizing of it and all equipment, utensils and surfaces with which food comes into contact in it.

- j. Ceiling tiles were missing in the front dining room area and in the kitchen above the coolers, freezers and grill. This is in contravention of the Food Regulation AR 31/2006 section 17(1) & 19 which states that: An operator shall ensure that a food establishment is of sound construction and in a good state of repair and is so designed as to facilitate the effective cleaning and sanitizing of it and all equipment, utensils and surfaces with which food comes into contact in it.
- k. The floor was pitted/cracked and missing a sealed finish. This is in contravention of the Food Regulation AR 31/2006, section 17(1)(a) which states that: An operator must ensure that, before operation of the commercial food establishment commences, the commercial food establishments of sound construction and in a good state of repair. This also contravenes the Food Retail and Food services Code section 2.4 which stated that: Floors that are subject to moisture must be constructed of impervious materials, non-slip and sloped to allow for draining.
- l. A cover was missing for the light fixture above the food preparation table in the kitchen. This is in contravention of the Food Regulation AR 31/2006, section 23(1) which states that: Light fixtures must be located and/or constructed to prevent contamination of food in the event that the fixture breaks.
- m. The silicon caulking around the three-compartment sink basins in the kitchen was moldy and peeling. This is in contravention of the Food Regulation AR 31/2006 section 17(1) & 19 which states that: An operator shall ensure that a food establishment is of sound construction and in a good state of repair and is so designed as to facilitate the effective cleaning and sanitizing of it and all equipment, utensils and surfaces with which food comes into contact in it.
- n. Many food safety processes were not implemented, food safety standards were ignored by food handlers within the food establishment. This contravenes the Food Retail and Food services Code section 6.3.2 which stated that: Every operator of a food establishment must ensure that food handlers have the necessary knowledge and skills to enable them to handle food hygienically.

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

1. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Thoroughly clean and sanitize the food establishment surfaces, including all hard-to-reach areas.
 - b. Store food in clean containers at least 6 inches off the floor and in an organized manner.
 - c. Ensure the handwashing sinks are accessible at all times.
 - d. Do not reuse shell egg crates for food storage purposes. Store all cooked foods in clean containers and under temperature control.
 - e. Do not store frozen/raw meatloaf in the dishwashing area. Food must be thawed in a clean and sanitary container/sink. Use one of the following methods:
 - a. under cold running water,

- b. in the microwave,
 - c. thaw directly in the cooking process or,
 - d. in the refrigerator at 4°C
 - f. Thoroughly clean the walls and ceiling surrounding the cooking line or replace grease laden and discolored wall/ceiling materials.
 - g. Label the preparation date and the best before date on all sandwiches. Sandwiches containing egg salad/tuna salad/chicken salad (higher water activity) must be labeled with a maximum 5 day best before date. Sandwiches containing ham and cheese or similar (intermediate water activity) must be labeled with a maximum 7 day best before date. The date of manufacturing must be included as DAY 1.
 - h. Provide a detailed written preparation and packaging procedure for the various sandwich types. The procedure must include a description on labelling best before dates (including all variations in sandwich types), delivery protocol, and pick-up/discard details of left over sandwiches. Also include separate records/log sheet templates for sandwich preparation and discard.
 - i. Maintain records of sandwich preparation and discard.
 - j. Seal the gap along the counter between the wall and the sink. Ensure the finish is watertight and materials used are impervious to moisture and easy to clean.
 - k. Replace all missing ceiling tiles, ensure all ceiling tiles are washable.
 - l. Repair or replace the damaged/worn kitchen flooring so that it is smooth, easily cleanable, and impervious to moisture.
 - m. Install the cover for the light fixture.
 - n. Remove the mouldy peeling caulking around the three compartment sink basins and apply a new watertight seal.
 - o. Prepare, implement, and maintain a detailed written sanitation program to facilitate the proper cleaning of all areas of the food establishment, including equipment, and structural surfaces. The sanitation program must include a list of all cleaning and sanitizing agents used within the food establishment. The sanitation program must be submitted to an Alberta Health Services Executive Officer for review.
 - p. The operator in care and control of the food establishment must re-take a certificate course in food safety: https://www.alberta.ca/system/files/custom_downloaded_images/health-recognized-food-safety-courses-alberta.pdf#search=approved%20food%20safety. Staff who handle food must complete at minimum the online Alberta Food Safety Basics Interactive Course: <https://ahs.myabsorb.ca/#/public-dashboard>
 - q. The operator must follow the provincial guideline for preparing Donair. The document is available on the Environmental Public Health website under <https://www.albertahealthservices.ca/assets/wf/eph/wf-eh-guidelines-prep-serving-donairs.pdf>
2. The work referred to in paragraph a-g shall be completed **immediately**.
The work referred to in paragraph h-q shall be completed by **March 8, 2024**.

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, Feb 9, 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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RE: The food establishment located in Calgary, Alberta and municipally described as: Fresh In The City, 3 - 3715 61 Avenue SE

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<https://www.ahs.ca/eph>