

ORDER OF AN EXECUTIVE OFFICER NOTICE OF CLOSURE

To: Marko Zelcer
"the Owner"

RE: The food establishment located in Calgary, Alberta and municipally described as:
Mad Russian Smoke House – hot dog cart
4 – 6416 4 Street NE

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. A plumbed in hot and cold water system was not installed. The sink basin was filled with water bottles.
- b. There were no temperature-controlled units on the cart for cut/processed garnishes, condiments and meat.
- c. A food safe surface sanitizer was not prepared.

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. The cart was operating along Stephen Avenue without a valid and subsisting food handling permit from Alberta Health Services, which is in contravention of section 3(1) (a) (b) 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. A plumbed in hot and cold water system was not installed for handwashing. The sink basin was filled with water bottles. This contravenes section 17(1)(f)(i) 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 supplied with hot and cold running water that is safe for human consumption and available in quantities sufficient to meet the needs of the commercial food establishment. And section 25(1)(a)(b) which states that: All high-risk food must be stored, displayed and transported at a temperature of not more than 4°C or such higher temperature, or not less than 60°C or such lower temperature as an executive officer stipulates under subsection (4).
- c. There were no temperature-controlled units on the cart for cut/processed garnishes, condiments and meat. This contravenes section 25(1) of the Food Regulation AR 31/2006,

which states that: 28(1) A commercial food establishment must have all the facilities, equipment and utensils that are necessary to ensure its safe operation and maintenance.

- d. A food safe surface sanitizer was not prepared. This contravenes section 28(2) of the Food Regulation AR 31/2006, which states that: (2) 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.

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 a completed permission to use form for the base of operation location.
- 3. That, until such time as the work referred to in paragraph 2 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, August 28, 2023.

Confirmation of a verbal order issued to Marko Zelcer on August 18, 2023.

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