

## **ORDER OF AN EXECUTIVE OFFICER NOTICE OF CLOSURE**

**To:** 2206637 Alberta Inc.  
“the Owner”

Kowshik Das  
“the Owner”

Dipti Sana Rani  
“the Owner”

**RE:** The playground structure located in Calgary, Alberta and municipally described as:  
Winston Heights Daycare –Playground Structure  
403 28 Avenue 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. The depth of the pea gravel measured approximately 4.5 inches at the base of the slides, under the monkey bars and rear exit steps.
- b. Wood was splitting at attachment bolts and planks that would be weight bearing throughout the structure; such as wooden steps, wall climbing rocks, anchoring points, fall support railings and floor boards.
- c. Wooden planks were used to support the metal climbing steps to the monkey bars and did not appear to provide proper support to the structure.
- d. The structure had several areas where raw wood was exposed.
- e. The roof canopy was duct taped and in a state of disrepair.

**AND WHEREAS** such inspection disclosed that the following breaches of the Public Health Act and the Institutions Regulation, Alberta Regulation 143/1981, and and the Nuisance and General Sanitation Regulation, Alberta Regulation 243/2003 exist in and about the above noted premises, namely:

- a. The depth of the pea gravel measured approximately 4.5 inches at the base of the slides, under the monkey bars and rear exit steps. This is in contravention of Section 24 of the Institutions Regulation which states: “In every institution and day care facility, indoor and outdoor premises, equipment and facilities shall be of such construction and in such state of repair as to provide for the safe and sanitary operation of the program” and Section 2(1) of the Nuisance and General Sanitation Regulation, which states: “No person shall create, commit or maintain a nuisance.”

- b. Wood was splitting at attachment bolts and planks that would be weight bearing throughout the structure; such as wooden steps, wall climbing rocks, anchoring points, fall support railings and floor boards. This is in contravention of Section 24 of the Institutions Regulation which states: “In every institution and day care facility, indoor and outdoor premises, equipment and facilities shall be of such construction and in such state of repair as to provide for the safe and sanitary operation of the program” and Section 2(1) of the Nuisance and General Sanitation Regulation, which states: “No person shall create, commit or maintain a nuisance.”
- c. Wooden planks were used to support the metal climbing steps to the monkey bars and did not appear to provide proper support to the structure. This is in contravention of Section 24 of the Institutions Regulation which states: “In every institution and day care facility, indoor and outdoor premises, equipment and facilities shall be of such construction and in such state of repair as to provide for the safe and sanitary operation of the program” and Section 2(1) of the Nuisance and General Sanitation Regulation, which states: “No person shall create, commit or maintain a nuisance.”
- d. The structure had several areas where raw wood was exposed. This is in contravention of Section 24 of the Institutions Regulation which states: “In every institution and day care facility, indoor and outdoor premises, equipment and facilities shall be of such construction and in such state of repair as to provide for the safe and sanitary operation of the program” and Section 2(1) of the Nuisance and General Sanitation Regulation, which states: “No person shall create, commit or maintain a nuisance.”
- e. The roof canopy was duct taped and in a state of disrepair. This is in contravention of Section 24 of the Institutions Regulation which states: “In every institution and day care facility, indoor and outdoor premises, equipment and facilities shall be of such construction and in such state of repair as to provide for the safe and sanitary operation of the program” and Section 2(1) of the Nuisance and General Sanitation Regulation, which states: “No person shall create, commit or maintain a nuisance.”

**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. Do not allow children to use the elevated play structure until it has been repaired or removed.
  - b. Repair or replace the elevated play structure to adhere to CSA Z614:20 standards or remove the structure from the premises.
3. The work referred to in paragraph 2(b) shall be completed by August 31, 2024.
4. 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 1, 2024

Confirmation of a verbal order issued to Dipti Rani on February 29, 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](mailto: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>

Template revised October 13, 2022

Copy Child Care Delivery and Preventative Family Services Division, Child and Family Services, GOA

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RE: The Playground Structure located in Calgary, Alberta and municipally described as: 403 28 Avenue NE

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