

ORDER OF AN EXECUTIVE OFFICER

To: Roloh Investments Ltd.
“the Owner”

RE: The “pools” located in Calgary, Alberta and municipally described as:

Best Western Port O'Call Hotel – all pools
1935 McKnight Boulevard NE, T2E 6V1

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 written policies and plans for pool safety and supervision, patron education and notification, water quality incident response, and general sanitation are not developed or are not available on-site.
- b. The anti-entrapment plan for all pools has missing, incorrect and/or outdated information.
- c. No posted rules are available that outline the terms of use for the lower whirlpool.
- d. None of the pools have a qualified individual maintaining them on a day-to-day basis. The pool operator’s certification has expired.

AND WHEREAS such inspection disclosed that the following breaches of the Public Health Act and the Public Swimming Pools Regulation, Alberta Regulation 204/2014 and the Pool Standards there under exist in and about the above noted premises, namely:

- a. The written policies and plans for pool safety and supervision, patron education and notification, water quality incident response, and general sanitation are not developed or are not available on-site. This is in contravention of Sections 24(1) and 24(2) of the Public Swimming Pools Regulation, AR 204/2014, which states: The owner or the owner’s agent, if any, must develop and maintain written policies and implement plans for those policies in accordance with the Pool Standards respecting (a) safety and supervision of all patrons, (b) education of all patrons regarding use of the pool, including posting of rules regarding use of the pool, (c) response to water quality issues, including fecal contamination, (d) general sanitation, and (e) any other matters required by an executive officer. The written policies and plans [...] must be reviewed with the staff of the pool and be accessible at all times to the staff and to an executive officer.
- b. The anti-entrapment plan for all pools has missing, incorrect and/or outdated information. This is in contravention of Section 9.1 of the Pool Standards, July 2014 (Amended January 2018), which states: “Every owner or owner’s agent, if any, must assess anti-entrapment risks, develop and implement an appropriate anti-entrapment plan to meet the requirements.”

- c. No posted rules are available that outline the terms of use for the lower whirlpool. This is in contravention of Section 9.1 of the Pool Standards, July 2014 (Amended January 2018), which states: "Except for stand-alone water spray parks, an owner or owner's agent, if any, must post one or more signs that convey the following rules and safety information for the use of the pool in a size, type and location that may be easily seen by all patrons."
- d. None of the pools have a qualified individual maintaining them on a day-to-day basis. The pool operator's certification has expired. This is in contravention of Section 1.1a of the Pool Standards, July 2014 (Amended January 2018), which states that: "the pool operator must be certified by an organization that is on the List of Approved Pool Operator Education Organizations approved by the Minister."

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. Develop and implement written policies and plans regarding the safety and supervision of all patrons, the education of all patrons using the whirlpool, water quality incident response procedures, and the general sanitation of the whirlpool facility. Submit the plan to an Executive Officer with Environmental Public Health for review.
 - b. Reassess the pools for all entrapment risks, and develop, implement, and maintain an anti-entrapment plan. Submit the plan to an Executive Officer with Environmental Public Health for review.
 - c. Post one or more signs that that convey the rules and safety information for the lower whirlpool based on Section 11.2 of the Pool Standards.
 - d. The person maintaining the pools on a day-to-day basis must successfully complete an approved pool operator course. Upon successful completion, submit the certificate to an Executive Officer with Environmental Public Health.
2. The work referred to in paragraph 1 shall be completed by December 20, 2022.

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, November 23, 2022.

Confirmation of a verbal order issued to Eduardo Tuyu, Front-End Manager, on November 17, 2022

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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Calgary • Southport • Environmental Public Health

10101 Southport Road SW Calgary, AB, Canada T2W 3N2

www.albertahealthservices.ca/eph.asp