

ORDER OF AN EXECUTIVE OFFICER NOTICE OF CLOSURE

To: 2543686 Alberta Ltd
“the Owner”

Yvonne Makamte Djonou
“the Owner”

RE: The food establishment located in Calgary, Alberta and municipally described as:
Massimo Convenience & Coffee
1002 Macleod Trail 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. Two pans of cooked chicken were stored on the counter without a means of temperature control. The internal temperature of the chicken measured 17.5 °C and 17.3°C, and the external temperature of the chicken measured 16 °C and 15.4 °C.
- b. Two pans of cooked chicken, a pan of deep-fried dough balls and frozen meals in the chest freezer were from an unapproved source.
- c. The hand wash station was completely obstructed with miscellaneous items and made proper handwashing difficult to complete.
- d. There was no single-use paper towel at the hand wash station for drying hands.
- e. No food contact surface sanitizer was prepared.
- f. Items for making sandwiches were present in the front display cooler. Menu indicated that sandwiches, wraps and other high-risk foods were being prepared and/or sold in the facility in contravention of the existing food permit.
- g. Reusable customer dishes were present in the front service area in contravention of the existing food permit.
- h. Tobacco products were stored on the counter, beside food, in the front service area.
- i. Staff food was stored with food for the public in the fridges, freezers and on counters.
- j. Food handling was occurring in a non-food handling area. A microwave and a toaster oven, with food inside, were observed near the basement stairway.
- k. Inappropriate hand wash supplies, a reusable towel, were observed at the hand wash station in the washroom.
- l. A cauliflower head, boxes of food and flats of water were stored on the floor in the front service area and/or in the basement.
- m. The food service area and the basement area were cluttered and disorganized.

- n. Extraneous items were stored in the basement area (mattresses, household furniture, bags of clothes, suitcases, food handling equipment) and in the front food service area (food handling equipment and personal items) next to food.
- o. Scoops with no handles were used for self-serve customer food items.
- p. Spilled food was observed on the floor beside boxes of food in the basement.
- q. A written cleaning schedule was unavailable.
- r. Owner lacked basic food safety knowledge and proof of food safety training was unavailable.

AND WHEREAS such inspection disclosed that the following breaches of the Public Health Act and the Food Regulation, Alberta Regulation 31/2006, the Nuisance and General Sanitation Regulation, Alberta Regulation 243/2003 and the Food Retail and Foodservices Code exist in and about the above noted premises, namely:

- a. Two pans of cooked chicken were stored on the counter without a means of temperature control. The internal temperature of the chicken measured 17.5 °C and 17.3°C, and the external temperature of the chicken measured 16 °C and 15.4 °C; this contravenes section 25(1) of the Food Regulation, AR 31/2006 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).
- b. Two pans of cooked chicken, a pan of deep-fried dough balls and frozen meals in the chest freezer were from an unapproved source; this contravenes section 22(1) of the Food Regulation, AR 31/2006 which states that: Subject to this section, a commercial food establishment must obtain all food that is liable under law to inspection by the Government of Canada or Alberta or by an agency of either from a source that is subject to inspection by that entity.
- c. The hand wash station was completely obstructed with miscellaneous items and made proper handwashing difficult to complete; this contravenes section 17(1)(e) 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 has handwashing stations that are adequate in number and situated so as to ensure convenient access by all food handlers.
- d. There was no single-use paper towel at the hand wash station for drying hands; this contravenes section 30(4) of the Food Regulation, AR 31/2006 which states that: The handwashing stations referred to in section 17(1)(e) must be maintained and kept supplied.
- e. No food contact surface sanitizer was prepared; 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.
- f. Items for making sandwiches were present in the front display cooler. Menu indicated that sandwiches, wraps and other high-risk foods were being prepared and/or sold in the facility in contravention of the existing food permit; this contravenes section 9(1)(a)(b) of the Food

Regulation, AR 31/2006 which states that: A regional health authority may make the issue or renewal of a permit subject to restrictions on the type of food that, or the manner in which any type of food, may be served, manufactured, processed or stored, and any other term and conditions the regional health authority considered to be appropriate. This is also contravenes section 9(4) of the Food Regulation, AR 31/2006 which states that: An operator must ensure that the terms and conditions of the permit are not contravened.

- g. Reusable customer dishes were present in the front service area in contravention of the existing food permit; this contravenes section 9(1)(a)(b) of the Food Regulation, AR 31/2006 which states that: A regional health authority may make the issue or renewal of a permit subject to restrictions on the type of food that, or the manner in which any type of food, may be served, manufactured, processed or stored, and any other term and conditions the regional health authority considered to be appropriate. This is also contravenes section 9(4) of the Food Regulation, AR 31/2006 which states that: An operator must ensure that the terms and conditions of the permit are not contravened.
- h. Tobacco products were stored on the counter, beside food, in the front service area; this contravenes section 23(1)(a)(b) of the Food Regulation, AR 31/2006 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.
- i. Staff food was stored with food for the public in the fridges, freezers and on counters; this contravenes section 23(1)(a)(b) of the Food Regulation, AR 31/2006 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.
- j. Food handling was occurring in a non-food handling area. A microwave and a toaster oven, with food inside, were observed near the basement stairway; this contravenes section 23(1)(a)(b) of the Food Regulation, AR 31/2006 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.
- k. Inappropriate hand wash supplies, a reusable towel, were observed at the hand wash station in the washroom; this contravenes section 30(4) of the Food Regulation, AR 31/2006 which states that: The handwashing stations referred to in section 17(1)(e) must be maintained and kept supplied.
- l. A cauliflower head, boxes of food and flats of water were stored on the floor in the front service area and/or in the basement; this contravenes section The hand wash station in the washroom was not equipped with single-use paper towel. Bar soap was observed in the washroom 23(1)(a)(b) of the Food Regulation, AR 31/2006 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.
- m. The food service area and the basement area were cluttered and disorganized; this contravenes section 28(2) of the Food Regulation, AR 31/2006 which states that: A commercial food establishment, all equipment and utensils in it and all surfaces in it with which food comes in contact must be maintained in a sanitary condition and, without limiting the foregoing, must be washed and sanitized in a manner that removes the contamination.

- n. Extraneous items were stored in the basement area (mattresses, household furniture, bags of clothes, suitcases, food handling equipment) and in the front food service area (food handling equipment and personal items) next to food; this contravenes section 28 (2) of the Food Regulation, AR 31/2006 which states that: A commercial food establishment, all equipment and utensils in it and all surfaces in it with which food comes in contact must be maintained in a sanitary condition and, without limiting the foregoing, must be washed and sanitized in a manner that removes the contamination.
- o. Scoops with no handles were used for self-serve customer food items; this contravenes section 28(2) of the Food Regulation, AR 31/2006 which states that: A commercial food establishment, all equipment and utensils in it and all surfaces in it with which food comes in contact must be maintained in a sanitary condition and, without limiting the foregoing, must be washed and sanitized in a manner that removes the contamination.
- p. Spilled food was observed on the floor beside boxes of food in the basement; this contravenes section 28(2) of the Food Regulation, AR 31/2006 which states that: A commercial food establishment, all equipment and utensils in it and all surfaces in it with which food comes in contact must be maintained in a sanitary condition and, without limiting the foregoing, must be washed and sanitized in a manner that removes the contamination.
- q. A written cleaning schedule was unavailable; this contravenes section 29(1) of the Food Regulation, AR 31/2006 which states that: A commercial food establishment must have written procedures designed to ensure its safe and sanitary operation and maintenance. This is also contravenes section 29(2)(a)(b) of the Food Regulation, AR 31/2006 which states that: the procedures must include the cleaning and sanitizing requirements for the commercial food establishment and for all equipment and utensils in it, if any, that are not normally washed in a dishwasher, and a list of all cleaning and sanitizing agents used in the commercial food establishment, including their concentrations and uses.
- r. Owner lacked basic food safety knowledge and proof of food safety training was unavailable; this contravenes section 31(1) of the Food Regulation, 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 the individual's successful completion of a food sanitation and hygiene training program or a document that the Minister considers equivalent to such a certificate.

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. Ensure that all potentially hazardous high-risk foods are stored at 4°C or less, or at/above 60°C.
 - b. Remove all foods that are from an unapproved source from the food establishment. Ensure that all food for sale in the facility is from an approved source.
 - c. Remove all extraneous items from the hand wash station. Ensure that the hand wash station is always accessible to facilitate proper hand hygiene.
 - d. Ensure that all hand wash stations are equipped with soap in a dispenser and single-use paper towels.
 - e. Mix a food grade sanitizer solution (i.e. 100 ppm chlorine or 200 ppm quat). Ensure that a food grade sanitizing solution is prepared whenever food handling is occurring.
 - f. Stop all sales and advertising of high-risk foods. Update the menu to reflect the minimal food handling that is permitted in the food establishment (i.e. drinks, hot dogs, fries, baked foods and dry prepackaged foods).
 - g. Remove the reusable dishes from the food establishment until such time that adequate dishwashing facilities are installed in this establishment.
 - h. Organize the front food service area so that all tobacco products are stored separate from food and in accordance with the Tobacco, Smoking and Vaping Reduction Act and Regulation.
 - i. Ensure that all staff food is stored separate from food for the public. Designate a separate area for staff food storage.
 - j. Remove the food handling equipment (microwave and toaster oven) from beside the back stairway. Only prepare and handle food in the front service area, which is equipped with a dedicated hand wash sink.
 - k. Remove the reusable towel from the washroom. Ensure that the washroom hand wash station is equipped with single-use paper towel.
 - l. Ensure that all food is stored at least 6 inches off the floor.
 - m. Organize the items in the food establishment. Remove all extraneous items from the basement and food service areas. Ensure that all areas are organized to facilitate cleaning.
 - n. Remove the handle-less scoops from the customer self-serve food jars. Ensure that all scoops have handles to prevent the contamination of food.
 - o. Clean-up the spilled food in the basement area. Ensure that all areas are maintained in a clean and sanitary manner.
 - p. Prepare, implement, and maintain a detailed written sanitation program to facilitate the proper cleaning of all areas of the food establishment. 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.
 - q. Complete a Food Safety Training course that meets the requirements of Section 31 of the Food Regulation. Provide a copy of the completion certificate to an Alberta Health Services Executive Officer.
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 26, 2024

Confirmation of a verbal order issued to Yvonne Makamte Djonou on March 21, 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>

Copy:
City of Calgary Business Licensing

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RE: The Food Establishment located in Calgary, Alberta and municipally described as: Massimo Convenience & Coffee 1002 Macleod Trail SE

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10101 Southport Road SW Calgary AB, T2W 3N2

<https://ahs.ca/eph>