

ORDER OF AN EXECUTIVE OFFICER

To: 2481599 Alberta Ltd.
"the Owner"

Hesham Abdelmalek Al-Surmi
"the Owner"

Abubaker Massad Almasabey
"the Owner"

Tahir Bhatti
"the Owner"

Ahmed Abdulqader Oahtan
"the Owner"

RE: The food establishment located in Calgary, Alberta and municipally described as:
Taste of Yemen
1033 17 Avenue SW

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 main kitchen handwashing sink was obstructed by a pot burner and large cooking pot. Dishes were being stored in the basin of the kitchen hand wash sink.
- b. The south kitchen handwashing sink was obstructed by a large garbage can that was being stored in front of the handwashing sink.
- c. The handwashing sink in the dish washing area was obstructed by dishes that were stored on top of the sink basin.
- d. A staff member was observed washing their hands while wearing single use gloves. When instructed to discard gloves, wash hands, and don clean gloves, the staff member washed their hands without using soap.
- e. The detergent and sanitizer containers hooked up to the mechanical dishwasher were empty. Additional containers were not initially available.
- f. There was no food contact surface sanitizer available in the kitchen. There was no detectable concentration of quaternary ammonium in a spray bottle at the bar.
- g. The quaternary ammonium food contact surface sanitizer dispenser was not dispensing sanitizer solution.
- h. The ambient air temperature of the south food preparation cooler measured 10 degrees Celsius. Internal food temperatures of high risk food ranged from 8.5 to 8.8 degrees Celsius.

- i. Soiled knives were being stored on the magnetic knife holder in the kitchen.
- j. A soiled wiping cloth was wrapped and taped on one of the ventilation canopy fire suppression nozzles.
- k. Soiled wiping cloths were present on counters in the kitchen.
- l. An open can of tomato paste was being stored in the south food preparation cooler.
- m. Fluorescent lights located in the south side of the kitchen were uncovered.
- n. Rice, chickpeas, and split peas were being soaked in water at room temperature.
- o. The protective wrapping for shipping was still present on the outside of a stainless steel container used to soak rice, and on the outside of the ice machine.
- p. Deep frying was conducted in a space without a ventilation canopy.
- q. There was a hole in the wall along the cookline behind and north of the deep fryer.
- r. A box of bananas was being stored directly on the floor of the kitchen.
- s. Garbage bags were being used to cover bread dough.
- t. Scoops for dry ingredients were stored in the bulk ingredient containers with the scoop handles in contact with the dry ingredients.
- u. Chlorine test strips were not available for verifying the residual chlorine concentration at the dish level for the low temperature sanitizing dishwasher.
- v. Shisha items were present inside the facility and ready for use. There was no designated sink available for the shisha items. Staff stated that facility dishwashing sinks were used to wash the hookah pipes.
- w. There was grease accumulation on the surfaces of the ventilation canopy.
- x. A grease laden cardboard box was being stored on top of the paper towel dispenser of the handwashing sink in the centre of the kitchen.
- y. Mould was present on the wall in the northwest corner of the dishwashing area.
- z. A water hose used to fill the cooking pots on the pot burner was stored in the handwashing sink basin.

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 main kitchen handwashing sink was obstructed by a pot burner and large cooking pot. Dishes were being stored in the basin of the kitchen handwashing sink. 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. And section 2.14(b)(ii) of the Food Retail and Foodservices Code 2003 which states that: Handwash facilities should be accessible for the use of workers at all times.
- b. The south kitchen handwashing sink was obstructed by a large garbage can that was being stored in front of the handwashing sink. 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. And section 2.14(b)(ii) of the Food Retail and Foodservices Code 2003 which states that: Handwash facilities should be accessible for the use of workers at all times.
- c. The handwashing sink in the dish washing area was obstructed by dishes that were stored on top of the sink basin. 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. And section 2.14(b)(ii) of the Food Retail and Foodservices Code 2003 which states that: Handwash facilities should be accessible for the use of workers at all times.

- d. A staff member was observed washing their hands while wearing single use gloves. When instructed to discard gloves, wash hands, and don clean gloves, the staff member washed their hands without using soap. This contravenes section 23(1) 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; section 24 of the Food Regulation, AR 31/2006 which states that: All food handling in a commercial food establishment must be done in a manner that makes the food safe to eat; and section 30(1)(d) of the Food Regulation, AR 31/2006 which states that A food handler must wash hands as often as necessary to prevent the contamination of food or food areas.
- e. The detergent and sanitizer containers hooked up to the mechanical dishwasher were empty. Additional containers were not initially available. 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 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.
- f. There was no food contact surface sanitizer available in the kitchen. There was no detectable concentration of quaternary ammonium in a spray bottle at the bar. 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 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.
- g. The quaternary ammonium food contact surface sanitizer dispenser was not dispensing sanitizer solution. This contravenes section 28(3) of the Food Regulation, AR 31/2006 which states that: All equipment and utensils in a commercial food establishment must be kept in good working order and condition, and maintained in a manner that ensures the safe and sanitary handling of food.
- h. The ambient air temperature of the south food preparation cooler measured 10 degrees Celsius. Internal food temperatures of high risk food ranged from 8.5 to 8.8 degrees Celsius. 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 (a) not more than 4°C or such higher temperature, or (b) not less than 60°C or such lower temperature as an executive officer stipulates under subsection (4).
- i. Soiled knives were being stored on the magnetic knife holder in the kitchen. 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 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.
- j. A soiled wiping cloth was wrapped and taped on one of the ventilation canopy fire suppression nozzles. 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 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.
- k. Soiled wiping cloths were present on counters in the kitchen. 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

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.

- l. An open can of tomato paste was being stored in the south food preparation cooler. This contravenes section 23(1)(a) 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.
- m. Fluorescent lights located in the south side of the kitchen were uncovered. This contravenes section 23(1)(a) 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.
- n. Rice, chickpeas, and split peas were being soaked in water at room temperature. 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 (a) not more than 4°C or such higher temperature, or (b) not less than 60°C or such lower temperature as an executive officer stipulates under subsection (4).
- o. The protective wrapping for shipping was still present on the outside of a stainless steel container used to soak rice, and on the outside of the ice machine. This contravenes section 28(3) of the Food Regulation, AR 31/2006 which states that: All equipment and utensils in a commercial food establishment must be kept in good working order and condition, and maintained in a manner that ensures the safe and sanitary handling of food.
- p. Deep frying was conducted in a space without a ventilation canopy. This contravenes section 17(1)(f)(iv) 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 equipped with a properly operating means of providing ventilation to food handling areas that are subject to the generation or accumulation of odours, fumes, steam, vapours, smoke or excessive heat.
- q. There was a hole in the wall along the cookline behind and north of the deep fryer. This contravenes section 17(1)(a) 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 of sound construction and in a good state of repair.
- r. A box of bananas was being stored directly on the floor of the kitchen. This contravenes section 23(1)(a) 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.
- s. Garbage bags were being used to cover bread dough. This contravenes section 23(1)(a) 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.
- t. Scoops for dry ingredients were stored in the bulk ingredient containers with the scoop handles in contact with the dry ingredients. This contravenes section 23(1) 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.
- u. Chlorine test strips were not available for verifying the residual chlorine concentration at the dish level for the low temperature sanitizing dishwasher. 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 into contact must be maintained in sanitary condition and, without limiting the foregoing, must be washed and sanitized in a manner that removes contamination.
- v. Shisha items were present inside the facility and ready for use. There was no designated sink available for the shisha items. Staff stated that facility dishwashing sinks were used to

wash the hookah pipes. This contravenes section Food Regulation, AR 31/ 2006, section 23(1) (a) which states that: All food used or to be used in a commercial food establishment must be protected from contamination; and section and 17(1)(d) 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 all food handling areas separated from living quarters and from other areas where activities are carried out that are incompatible with the safe and sanitary handling of food.

- w. There was grease accumulation on the surfaces of the ventilation canopy. 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 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.
- x. A grease laden cardboard box was being stored on top of the paper towel dispenser of the handwashing sink in the centre of the kitchen. This contravenes section 23(1)(a) 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.
- y. Mould was present on the wall in the northwest corner of the dishwashing area. This contravenes section 17(1)(a) 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 of sound construction and in a good state of repair.
- z. A water hose used to fill the cooking pots on the pot burner was stored in the handwashing sink basin. This contravenes section 23(1) 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.

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. Ensure that all handwashing sinks are unobstructed and available for use at all times;
 - b. Ensure that proper glove use procedures are in place;
 - c. Ensure that proper handwashing procedures are in place;
 - d. Ensure that dishwashing detergent and sanitizer are hooked up to the dishwasher at all times;
 - e. Ensure that food contact surface sanitizer is prepared and readily available for use at all times in each food handling area;
 - f. Ensure that the quaternary ammonium food contact surface sanitizer dispenser dispenses sanitizer at the required concentration (200 ppm);
 - g. Repair the faulty cooler so that it maintains foods at 4 degrees Celsius or less at all times;
 - h. Ensure that utensils and equipment are maintained in a clean and sanitary condition;
 - i. Ensure that reusable wiping cloths are kept in sanitizer solution between uses;
 - j. Ensure that all food is stored in food grade storage containers;
 - k. Ensure that all lights are covered or constructed to protect against breakage;
 - l. Ensure all high-risk foods are stored at a temperature of 4°C or below or 60°C or greater;
 - m. Remove protective shipping wrapping from equipment;

- n. Ensure an adequate ventilation canopy is installed for deep frying. Obtain City of Calgary Fire department approvals;
- o. Ensure that wall surfaces are smooth, non-absorbent to moisture, easy to clean, and constructed of materials intended for the purpose;
- p. Ensure that all food is stored at least 15 cm (6 inches) off the floor at all times;
- q. Ensure that food is stored in food grade packaging;
- r. Ensure that food scoops are either stored outside of bulk ingredient bins in a sanitary manner, or stored in such a way that scoop handles do not come into contact with the food;
- s. Ensure sanitizer test strips are available to test the sanitizer concentration for the dishwasher. The test strips must be used to regularly verify the sanitizer concentration for the dishwasher sanitizing cycle;
- t. Remove all shisha related items from the facility. Obtain approval from Alberta Health Services and City of Calgary Safety Codes for equipment and ventilation before bringing shisha items back into the facility;
- u. Thoroughly clean all surfaces of the ventilation canopy. Ensure that the ventilation canopy is maintained in a clean and sanitary condition;
- v. Discard the grease laden cardboard box. Ensure that containers used to store food utensils are smooth, non-absorbent to moisture, easy to clean, and constructed of materials intended for the purpose;
- w. Remediate the area of the northwest wall in the dishwashing area that is affected by mold. Find and stop the source of moisture accumulation. Remove all water damaged and mouldy building materials, clean and disinfect the affected open area and reconstruct with new building materials that are smooth, non-absorbent to moisture, easy to clean; and
- x. Store the water hose for the pot burners out of the basin of the handwashing sink and in a way that it will be protected from contamination.

2. The work referred to in paragraph 1 (a-e, h-j,l) shall be completed **immediately**.
The work referred to in paragraph 1 (f-g) shall be completed by **December 20, 2023**.
The work referred to in paragraph 1 (k, m-x) shall be completed by **January 3, 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, December 13, 2023.

Confirmation of a verbal order issued to Hesham Abdulmalek Al-Surmi on December 12, 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>

Calgary • Southport • Environmental Public Health

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

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