

ORDER OF AN EXECUTIVE OFFICER

To: Smokey's Hospitality Inc.
Jaideep Singh Gill
"the Owner"

RE: The food establishment located in Edmonton, Alberta and municipally described as:
Smokey's Lounge, 5019 – 22 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 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 back storage room, which was approved for the storage of food only, was being used to handle and prepare foods, including repackaging, assembling, air frying, cooking, reheating and garnishing foods.
- b. The operator made alterations to the commercial food establishment without the approval of an executive officer.
- c. The facility was operating outside of the permit restrictions, which state "Minimal Food Handling Only".
- d. The operator did not notify the Executive Officer of the change in operations of the facility, which included the change of menu and complexity of food handling.

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 back storage room, which was approved for the storage of food only, was being used to handle and prepare foods, including repackaging, assembling, air frying, cooking, reheating and garnishing foods, which is in contraction of **Section 6(b)** of the **Food Regulation AR 31/2006**, which states that a permit holder must notify the regional health authority that issued the permit in writing regarding (a) any change in the information provided in the application for the permit, or (b) any change in the operation of or major renovations or alterations to the food establishment in respect of which the permit was issued.
It is also in contraction **Section 15** of the **Food Regulation AR 31/2006**, which states **(1)** The operator of a commercial food establishment must apply for a food handling permit in accordance with Part 1 of this Regulation. **(2)** An operator must ensure that the operation and maintenance of the commercial food establishment is conducted in accordance with this Part.

It is also in contravention of **Section 16** of the **Food Regulation AR31/2006**, which states that a person must not construct or make alterations to a commercial food establishment unless plans and specifications for the construction or alterations, as the case may be, have been approved by the executive officer.

It is also in contravention of **Section 17** of the **Food Regulation AR31/2006**, which states **(1)** An operator must ensure that, before operation of the commercial food establishment commences, the commercial food establishment **(a)** is of sound construction and in a good state of repair, **(b)** is designed so as to facilitate the effective cleaning and sanitizing of it and of all equipment, utensils and surfaces with which food comes into contact in it, **(c)** is designed so as to ensure the safe and sanitary handling of food in it, **(e)** has handwashing stations that are adequate in number and situated so as to ensure convenient access by all food handlers, **(iii)** equipped with lighting that is adequate in intensity to enable the sanitary operation and maintenance of the food handling areas, and **(iv)** 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.

It is also in contravention of **Section 19** of the **Food Regulation AR 31/ 2006**, which states that a person must not operate a commercial food establishment unless (a) all the requisite plans and specifications referred to in section 16 for the commercial food establishment have been approved by the executive officer, and (b) it is constructed and maintained in accordance with that approval.

- b. The operator made alterations to the commercial food establishment without the approval of an executive officer, which is in contraction of **Section 6(b)** of the **Food Regulation AR 31/2006**, which states that a permit holder must notify the regional health authority that issued the permit in writing regarding any change in the operation of or major renovations or alterations to the food establishment in respect of which the permit was issued. It is also in contravention of **Section 16** of the **Food Regulation AR31/2006**, which states that a person must not construct or make alterations to a commercial food establishment unless plans and specifications for the construction or alterations, as the case may be, have been approved by the executive officer. It is also in contravention of **Section 19** of the **Food Regulation AR 31/ 2006**, which states that a person must not operate a commercial food establishment unless (a) all the requisite plans and specifications referred to in section 16 for the commercial food establishment have been approved by the executive officer, and (b) it is constructed and maintained in accordance with that approval.
- c. The facility was operating outside of the permit restrictions, which state “Minimal Food Handling Only”, and is in contravention of **Section 9** of the **Food Regulation AR 31/2006**, which states **(1)** A regional health authority may make the issue or renewal of a permit subject to **(a)** restrictions on the type of food that, or the manner in which any type of food, may be served, manufactured, processed or stored, and **(b)** any other terms and conditions the regional health authority considers to be appropriate. **(2)** The terms and conditions must be stated on the permit. **(3)** The regional health authority may recall a permit and add to, delete or vary the terms and conditions to which a permit is subject. **(4)** An operator must ensure that the terms and conditions of the permit are not contravened. **(5)** A person who carries on any activity under the purported authority of a permit must comply with the terms and conditions of the permit.

- d. The operator did not notify the Executive Officer of the change in operations of the facility, which included the change of menu and complexity of food handling, which is in contravention of **Section 6(b)** of the **Food Regulation AR 31/2006**, which states that a permit holder must notify the regional health authority that issued the permit in writing regarding (a) any change in the information provided in the application for the permit, or (b) any change in the operation of or major renovations or alterations to the food establishment in respect of which the permit was issued.

It is also in contravention of **Section 9** of the **Food Regulation AR 31/2006**, which states **(1)** A regional health authority may make the issue or renewal of a permit subject to **(a)** restrictions on the type of food that, or the manner in which any type of food, may be served, manufactured, processed or stored, and **(b)** any other terms and conditions the regional health authority considers to be appropriate. **(2)** The terms and conditions must be stated on the permit. **(3)** The regional health authority may recall a permit and add to, delete or vary the terms and conditions to which a permit is subject. **(4)** An operator must ensure that the terms and conditions of the permit are not contravened. **(5)** A person who carries on any activity under the purported authority of a permit must comply with the terms and conditions of the permit.

It is also in contravention **Section 15** of the **Food Regulation AR 31/2006**, which states **(1)** The operator of a commercial food establishment must apply for a food handling permit in accordance with Part 1 of this Regulation. **(2)** An operator must ensure that the operation and maintenance of the commercial food establishment is conducted in accordance with this Part.

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. Cease and desist all handling of food outside of the approved food handling area, with the exception of the storage of food in its original container where previously approved by an Executive Officer.
 - b. Ensure the operation of the food facility is consistent with the approved operations and permit restrictions.
 - c. Notify the Executive Officer or Regional Health Authority and obtain approval prior to conducting any renovations or modifications to the operation, including changes to the menu.

2. The work referred to in paragraph 1 shall be completed immediately.

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 Edmonton, Alberta, March 14, 2024.

Confirmation of a verbal order issued to Jaideep Singh Gill on March 12, 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>

Template revised October 13, 2022

Order of an Executive Officer

RE: The Food Establishment located in Edmonton, Alberta and municipally described as: Smokey's Lounge, 5019 – 22 Avenue SW

Page 5 of 5

Edmonton • HSBC Building • Safe Food Division

10055 106 Street NW and Edmonton, Alberta, Canada T5J 2Y2

www.ahs.ca/eph