

ORDER OF AN EXECUTIVE OFFICER NOTICE OF CLOSURE

To: Va Nhoc Hy
"the Owner"

Katherine Chow
"the Owner"

RE: The food establishment located in Calgary, Alberta and municipally described as:
130 26 Avenue NW

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 operator was distributing packaged raw chickens. The chickens were purchased from an approved source; however, the chickens were stored directly on the front yard under a tarp, without temperature control awaiting buyer pick up.
- b. The premise was not permitted by Alberta Health Services to store food for public distribution.

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 operator was distributing packaged raw chickens. The chickens were purchased from an approved source; however, the chickens were stored directly on the front yard under a tarp, without temperature control awaiting buyer pick up. This is in contravention of the Food Regulation AR 31/2006 section 25(1) (2) (3) 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). All food that needs to be kept frozen in order to maintain its fitness for human consumption must be and remain frozen while being stored, displayed, packaged or transported. Subsection (1) does not apply to whole raw shell eggs, which must be stored, displayed, packaged or transported at a temperature not exceeding 7°C or such other temperature as an executive officer stipulates under subsection (4).
- b. The premise was not permitted by Alberta Health Services to store food for public distribution. This is in contravention of the Food Regulation AR 31/2006 section 3(1) (a) (b) which states that: No person shall operate a food establishment unless the person is an

operator who holds a valid and subsisting permit for the operation of the food establishment, and the food establishment is identified on the permit as approved by the regional health authority that issued the permit.

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. Obtain a valid food handling permit from Alberta Health Services.
OR
 - b. Provide a signed written document clearly stating that foods will not be handled or held/stored at this address for public distribution.
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, April 18, 2024.

Confirmation of a verbal order issued to Katherine Chow on April 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>

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