

ORDER OF AN EXECUTIVE OFFICER

To: Condominium Corporation No. 0313153
“the Owner”

RE: The “pool” located in Calgary, Alberta and municipally described as:
Riverwest Towers – all pools
1088 6 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. There was no record of a bacteriological water sample for either the swimming pool or whirlpool for the week of January 8.
- b. The swimming pool and whirlpool chemistry were not tested daily and the automated system readings and setpoints were not monitored and recorded in the pool log daily.
- c. Inspections of the submerged suction outlet covers were not completed and recorded daily in the pool log.
- d. One reagent used for testing total alkalinity was expired as of 11/22. The comparator tube used for testing pool water chemistry was stained and not properly maintained.
- e. The on-site manufacturer's instructions and certification of compliance for the submerged suction outlet covers in the whirlpool appeared to be for a different model than what was installed in the basin.
- f. The anti-entrapment plan for the whirlpool was incomplete and appeared to contain information for a drain cover that was not installed in the basin. The anti-entrapment for the swimming pool was incomplete and contained outdated information. Both plans did not adequately reflect the current state of the pool, and thus provided inaccurate information relevant to pool safety.
- g. Several tiles were missing inside the whirlpool basin, on the whirlpool deck by the handrail, and on the pool deck near the swimming pool stairs.
- h. The facility did not have a qualified individual maintaining the swimming pool and whirlpool on a day-to-day basis.
- i. The posted pool rules were incomplete.
- j. Written policies and plans were incomplete.

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. There was no record of a bacteriological water sample for either the swimming pool or whirlpool for the week of January 8. This is in contravention of Section 19(1)(a) of the Public Swimming Pools Regulation AR 204/2014, which states: "A sample of water in a public swimming pool must be taken and submitted to the Provincial Laboratory of Public Health for microbiological testing in accordance with the Pool Standards every week".
- b. The swimming pool and whirlpool chemistry were not tested daily and the automated system readings and setpoints were not monitored and recorded in the pool log daily. This is in contravention of Sections 5.2.1 and 5.2.2 of the Pool Standards, July 2014 (Amended July 2018), which states: "The free chlorine, combined chlorine and pH must be tested manually at least once per day" and "[t]he automated readings and associated setpoints shall be monitored and recorded at least once per day."
- c. Inspections of the submerged suction outlet covers were not completed and recorded daily in the pool log. This is in contravention of Section 9.6.1 of the Pool Standards, July 2014 (Amended January 2018), which states: "The covers of each submerged suction outlet, including equalizer and vacuum outlets, shall be routinely inspected prior to opening each day and throughout the day when the public swimming pool is in use."
- d. One reagent used for testing total alkalinity was expired as of 11/22. The comparator tube used for testing pool water chemistry was stained and not properly maintained. This is in contravention of Section 17(1) of the Public Swimming Pools Regulation AR 204/2014, which states: "An owner, the owner's agent, if any, or the pool operator must monitor the quality of water in the public swimming pool routinely and keep proper records of testing results and readings."
- e. The on-site manufacturer's instructions and certification of compliance for the submerged suction outlet covers in the whirlpool appeared to be for a different model than what was installed in the basin. This is in contravention of the Sections 9.2 and 5.1(k) of the Pool Standards, July 2014 (Amended January 2018), which states: "An anti-entrapment device must be installed in accordance with the manufacturer's specifications and be maintained in good working order when the public swimming pool is in use" and "[o]perating records must be maintained to provide information regarding make and model, purchase and expiry date of suction outlet covers, and manufacturers' recommended flow rate".
- f. The anti-entrapment plan for the whirlpool was incomplete and appeared to contain information for a drain cover that was not installed in the basin. The anti-entrapment for the swimming pool was incomplete and contained outdated information. Both plans did not adequately reflect the current state of the pool, and thus provided inaccurate information relevant to pool safety. 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 of this section."
- g. Several tiles were missing inside the whirlpool basin, on the whirlpool deck by the handrail, and on the pool deck near the swimming pool stairs. This is in contravention of Section 11(a) of the Public Swimming Pools Regulation AR 204/2014, which states: "In accordance with the Pool Standards, a pool must be maintained so that (i) all the floors and decks that are wet traffic areas used by patrons with bare feet are impervious to moisture, easily cleaned and easily maintained, (ii) all the surfaces in the public swimming pool premises with which patrons come into contact are maintained in a clean and sanitary condition, and (iii) the basins and liner are structurally sound and maintained in good repair".
- h. The facility did not have a qualified individual maintaining the swimming pool and whirlpool on a day-to-day basis. This is in contravention of Section 1.1a of the Pool Standards, July 2014 (Amended January 2018), which states: "The pool operator must be certified by an

organization that is on the List of Approved Pool Operator Education Organizations approved by the Minister”.

- i. The posted pool rules were incomplete. This is in contravention of Section 11.2 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 [...] rules and safety information for the use of the pool in a size, type and location that may be easily seen by all patrons.”
- j. Written policies and plans were incomplete. 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” and “[t]he written policies and plans referred to in subsection (1) must be reviewed with the staff of the pool and be accessible at all times to the staff and to an executive officer.”

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. Submit bacteriological water samples from the swimming pool and whirlpool to the Provincial Laboratory and continue to do so on a weekly basis.
 - b. Test the swimming pool and whirlpool water chemistry daily. Monitor and record the automated controller readings and setpoints daily. Record all results in the pool log.
 - c. Conduct daily inspections of the submerged suction outlet covers and record the results in the pool log.
 - d. Replace any expired reagents and replace the comparator tube.
 - e. Confirm the make and model of the submerged suction outlet covers installed in the whirlpool basin. Confirm the installation date and expiration date. Locate the manufacturer’s instructions and certificate of compliance. Replace the submerged suction outlet covers if expired.
 - f. Reassess the swimming pool and whirlpool for all anti-entrapment risks. Develop, implement, and maintain anti-entrapment plans. Submit the plan to an Executive Officer with Environmental Public Health for review.
 - g. Conduct the necessary repairs to replace the missing tiles in the whirlpool basin, on the whirlpool deck and the swimming pool deck.
 - h. The person(s) maintaining the swimming pool 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.
 - i. Update the posted pool rules. Refer to Section 11.2 of the Pool Standards for the list of rules and pool safety information required.
 - j. Develop and implement written policies and plans regarding the safety and supervision of all patrons, the education of all patrons using the swimming pool and whirlpool, water quality incident response procedures, and the general sanitation of the aquatic facility. Refer to Part 4 of the Pool Standards for a complete list of required written policies and plans. Submit the plan to an Executive Officer with Environmental Public Health for review.
2. The work referred to in paragraph 1a to 1d shall be completed immediately. The work referred to in paragraph 1e to 1j shall be completed by February 13, 2023.

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, January 19, 2023

Confirmation of a verbal order issued to Rael Kalley (Condo Board President) on January 13, 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>

Order of an Executive Officer

RE: The Pools located in Calgary, Alberta and municipally described as: Riverwest Towers - 1088 6 Avenue SW

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