

ORDER OF AN EXECUTIVE OFFICER NOTICE OF CLOSURE

To: 978556 ALBERTA LTD
“the Owner”

Moyez Khimji
“the Owner”

Hussain Khimji
“the Owner”

Alkarim Khimji
“the Owner”

Amin Khimji
“the Owner”

Akanshu Popli
“the Owner”

RE: The “Swimming pool” located in Calgary, Alberta and municipally described as:
Staybridge Suites
2825 Sunridge Way NE

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. Combined chlorine readings were not being maintained at the lowest possible level. The combined chlorine level was tested and measured 2.43 ppm.
- b. The automated chemical feeding and monitoring equipment was not maintained in good working condition or calibrated regularly to ensure it was working properly. The pool operator was manually adding chemicals to the pool daily.
- c. The pool operator, who was responsible for daily pool maintenance, was not certified.
- d. Chemical levels were not tested and recorded properly. A review of the records showed the initial chlorine concentration measurement at zero ppm every day. There was no further record of testing performed after chemicals were manually added to the pool to confirm that water was properly balance and safe for use.
- e. The pool water was cloudy.

- f. The anti-entrapment plan was incomplete; there was no record of new drain cover details or information on flow rates.

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. Combined chlorine readings were not being maintained at the lowest possible level. The combined chlorine level was tested and measured 2.43 ppm. This is in contravention of section 4.3 of the Pool Standards, July 2014 (Amended January 2018), which states that: “The combined chlorine residual in a public swimming pool must be maintained at the lowest level possible to maximize bather comfort.”
- b. The automated chemical feeding and monitoring equipment was not maintained in good working condition or calibrated regularly to ensure it was working properly. The pool operator was manually adding chemicals to the pool daily. This is in contravention of section 15(1)(2)(a)(b) of the Public Swimming Pool Regulation AR 204/2014, which states that: “A public swimming pool must be equipped with automated chemical feeding and monitoring equipment for pH and chlorine, and that the automatic equipment must be maintained in good working condition and calibrated and manually tested in accordance with the Pool Standards to ensure that it is working properly.”
- c. The pool operator, who was responsible for daily pool maintenance, was not certified. This is in contravention of section 1.1(a) and (b) of the Pool Standards, July 2014 (Amended January 2018), which states that: “The pool operator must be certified by an organization that is on the List of Approved Pool Operator Education Organizations approved by the Minister, and b) upon request, provide proof of successful completion of the course in the form of a certificate issued by the approved organization.”
- d. Chemical levels were not tested and recorded properly. A review of the records showed the initial chlorine concentration measurement at zero ppm every day. There was no further record of testing performed after chemicals were manually added to the pool to confirm that water was properly balance and safe for use. This is in contravention of section 17(1) of the Public Swimming Pool Regulation AR 204/2014, which states that: “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 pool water was cloudy. This is in contravention of section 10 of the Public Swimming Pool Regulation 204/2014 which states that: “A pool must be operated and maintained by the owner or the owner’s agent, if any, or the pool operator so that the water it contains is microbiologically, chemically and physically safe for use.”
- f. The anti-entrapment plan was incomplete; there was no record of new drain cover details or information on flow rates. This is in contravention of section 9.1 of the Pool Standards, July 2014 (Amended January 2018), which states that: “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”.

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. Maintain combined chlorine at the lowest level possible to maximize bather comfort.
 - b. Repair or replace the automatic controller and verify that it is in good working condition to ensure the pool water is continually disinfected.
 - c. The pool operator must successfully complete an approved certification course. Provide the certificate to an Alberta Health Services, Executive Officer.
 - d. Properly test and record pool water chemical parameters prior to opening, and before and after the addition of chemicals. The records must include the time and quantity of any chemical additions.
 - e. Resolve the water cloudiness to ensure the pool is physically and chemically safe for use.
 - f. Complete and submit the pool anti-entrapment compliance plans to an Alberta Health Services, Executive Officer.
3. Attendance at the scheduled compliance review meeting with Environmental Public Health by all parties identified as owners in this Closure Order.
4. 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 05, 2024.

Confirmation of a verbal order issued to Akanshu Popli on April 04, 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>

Calgary • Southport • Environmental Public Health

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