

ORDER OF AN EXECUTIVE OFFICER NOTICE OF CLOSURE

To: Yifan Wang
"the Owner"

Sushi BBQ Inn Inc.

RE: The food establishment located in Calgary, Alberta and municipally described as:
Sushi BBQ Inn
1222 16 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. There is a significant mice infestation. Over 20 dead and live mice were observed in tin cat traps throughout the facility.
- b. An abundance of mouse droppings were observed throughout the food establishment, including but not limited to: under the front line coolers, in the bar area to the left of the drink cooler, on a wooden overhang attached to the wall in the bar area, inside of the cupboard located underneath the handwashing sink in the service area, in the cupboard inside the dining room, on the oil container inside the dry storage room, behind the chest freezer in the kitchen, underneath the grill washing sink and the ice machine, and on floors throughout.
- c. Conditions existed that allowed for entry of pests into the facility, including, but not limited to: holes in walls behind the chest freezer in the kitchen, and the bar, a gap in the exterior floor joint underneath the stairs at the back kitchen door, a gap along the bottom of the back door and screen door, chewed up insulation foam was observed beneath the sink in the service area, underneath the chest freezer in the kitchen and under the ice machine and grill washing sink.
- d. Conditions existed that allowed for harbourage of pests in the facility, including, but not limited to: clutter in the dining room, dry storage room, and kitchen. There were also several boxes of various items such as charcoal, and grill brick stored on the floor and underneath equipment.
- e. Drain flies were observed in the bar area.
- f. A significant accumulation of grease, soil, and/or food debris was present on surfaces in the kitchen including but not limited to: floors underneath equipment and on food equipment in the main kitchen, on floors underneath the shelves in the walk-in cooler, on floors beneath the equipment at the bar, on floors underneath the tables located in the dining room, in the space under the grills throughout the dining room, on dishwashing area surfaces, on the interior and exterior and trays of the dishwashing machine, underneath

and on the surfaces of the grill washing sink and ice machine, inside the staff washroom and on and below the stairs at the back of the facility.

- g. There were several dirty greasy cleaning cloths below the oil catch tray of the flattop.
- h. There was significant buildup of battering debris on the battering container.
- i. Open containers of food were stacked on top of inserts of food in the food preparation cooler.
- j. High-risk foods such as tempura tofu, imitation crab, calamari, and spring rolls in the food preparation cooler measured 7.3 degrees Celsius.
- k. A dirty portioning bowl was stored in direct contact with flour in the bulk bin.
- l. There was an accumulation of dust on the ceiling in the kitchen and in the dining room.
- m. There were two unlabeled spray bottles in the kitchen containing concentrated bleach.
- n. A frozen whole fish was stored on dirty cardboard on food preparation table across from the walk-in cooler.
- o. Knives were stored in the gap between the top of the coolers and the food preparation table below in the sushi handling area. One cooler still had the protection film on it. Surfaces were not clean.
- p. Several containers of chlorine and iodine test strips were expired.
- q. pH test strips were not available to verify the acidity of the sushi rice.
- r. A written cleaning and sanitation schedule was not available.
- s. A container of sushi rice was broken. An accumulation of dried food debris was observed in the cavity.
- t. Several containers of foods were directly stored on the floor in the walk-in cooler and the kitchen.
- u. Staff exhibited a lack of basic food safety knowledge.

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. There is a significant mice infestation. Over 20 dead and live mice were observed in tin cat traps throughout the facility. This contravenes section 21(1) of the Food Regulation, AR 31/2006 which states that: The commercial food establishment and any surrounding area, premises or facilities supporting the commercial food establishment must be kept free of pests and of conditions that lead to the harbouring or breeding of pests.
- b. An abundance of mouse droppings were observed throughout the food establishment, including but not limited to: under the front line coolers, in the bar area to the left of the drink cooler, on a wooden overhang attached to the wall in the bar area, inside of the cupboard located underneath the handwashing sink in the service area, in the cupboard inside the dining room, on the oil container inside the dry storage room, behind the chest freezer in the kitchen, underneath the grill washing sink and the ice machine, and on floors throughout. This contravenes section 21(1) of the Food Regulation, AR 31/2006 which states that: The commercial food establishment and any surrounding area, premises or facilities supporting the commercial food establishment must be kept free of pests and of conditions that lead to the harbouring or breeding of pests.
- c. Conditions existed that allowed for entry of pests into the facility, including, but not limited to: holes in walls behind the chest freezer in the kitchen, and the bar, a gap in the exterior floor joint underneath the stairs at the back kitchen door, a gap along the bottom of the back door and screen door, chewed up insulation foam was observed beneath the sink in the service area, underneath the chest freezer in the kitchen and under the ice machine and grill washing sink. This contravenes section 21(1) of the Food Regulation, AR 31/2006

which states that: The commercial food establishment and any surrounding area, premises or facilities supporting the commercial food establishment must be kept free of pests and of conditions that lead to the harbouring or breeding of pests.

- d. Conditions existed that allowed for harbourage of pests in the facility, including, but not limited to: clutter in the dining room, dry storage room, and kitchen. There were also several boxes of various items such as charcoal, and grill brick stored on the floor and underneath equipment. This contravenes section 21(1) of the Food Regulation, AR 31/2006 which states that: The commercial food establishment and any surrounding area, premises or facilities supporting the commercial food establishment must be kept free of pests and of conditions that lead to the harbouring or breeding of pests.
- e. Drain flies were observed in the bar area. This contravenes section 21(1) of the Food Regulation, AR 31/2006 which states that: The commercial food establishment and any surrounding area, premises or facilities supporting the commercial food establishment must be kept free of pests and of conditions that lead to the harbouring or breeding of pests.
- f. A significant accumulation of grease, soil, and/or food debris was present on surfaces in the kitchen including but not limited to: floors underneath equipment and on food equipment in the main kitchen, on floors underneath the shelves in the walk-in cooler, on floors beneath the equipment at the bar, on floors underneath the tables located in the dining room, in the space under the grills throughout the dining room, on dishwashing area surfaces, on the interior and exterior and trays of the dishwashing machine, underneath and on the surfaces of the grill washing sink and ice machine, inside the staff washroom and on and below the stairs at the back of the facility. 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. There were several dirty greasy cleaning cloths below the oil catch tray of the flattop. 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.
- h. There was significant buildup of battering debris on the battering container. 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.
- i. Open containers of food were stacked on top of inserts of food in the food preparation cooler. This contravenes section 23 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.
- j. High-risk foods such as tempura tofu, imitation crab, calamari, and spring rolls in the food preparation cooler measured 7.3 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).
- k. A dirty portioning bowl was stored in direct contact with flour in the bulk bin. 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. There was an accumulation of dust on the ceiling in the kitchen and in the dining room. 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.
- m. There were two unlabeled spray bottles in the kitchen containing concentrated bleach. This contravenes section 20(2) of the Food Regulation, AR 31/2006 which states that: All chemicals, cleansers and other similar agents associated with or required for the operation or maintenance of the food areas must be stored in containers that are not intended to be used to store food and that are clearly labelled to identify their contents, and in such a manner as to prevent the contamination of any food or food area.
- n. A frozen whole fish was stored on dirty cardboard on food preparation table across from the walk-in cooler. This contravenes 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.
- o. Knives were stored in the gap between the top of the coolers and the food preparation table below in the sushi handling area. One cooler still had the protection film on it. Surfaces were not clean. This contravenes section 23 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. And 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.
- p. Several containers of chlorine and iodine test strips were expired. This contravenes section 28 and 29 of the Food Regulation, AR 31/2006 which states that: A commercial food establishment must have all the facilities, equipment and utensils that are necessary to ensure its safe operation and maintenance. 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. A commercial food establishment must have written procedures designed to ensure its safe and sanitary operation and maintenance.
- q. pH test strips were not available to verify the acidity of the sushi rice. This contravenes 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 29 of the Food Regulation, AR 31/2006 which states that: a commercial food establishment must have written procedures designed to ensure its safe and sanitary operation and maintenance.
- r. A written cleaning and sanitation schedule was not available. This contravenes section 29 of the Food Regulation, AR 31/2006 which states that: A commercial food establishment must have written procedures designed to ensure its safe and sanitary operation and maintenance.
- s. A container of sushi rice was broken. An accumulation of dried food debris was observed in the cavity. 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.

- t. Several containers of foods were directly stored on the floor in the walk-in cooler and the kitchen. This contravenes section 23 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. Staff exhibited a lack of basic food safety knowledge. This is in contravenes section 6.3.2 of the Food Retail and Foodservices Code 2003 which states that: Every operator of a food establishment must ensure that food handlers have the necessary knowledge and skills to enable them to handle food hygienically.

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. Retain the services of a professional pest control company to eliminate the mouse infestation and implement an ongoing integrated pest management program for the interior and exterior the food establishment. Provide documentation from the professional pest control company to an Alberta Health Services Public Health Inspector, indicating the mouse infestation is eliminated.
 - b. Remove and safely dispose of mouse droppings and harbourage materials.
 - c. Clean and disinfect all surfaces contaminated by mouse excrement.
 - d. Assess food and food containers. Discard all foods contaminated by mice.
 - e. Ensure that conditions that allow for the entry and harbourage of pests do not exist. This includes sealing entry points and harborage areas, decluttering and organizing the food establishment.
 - f. Retain the services of a professional pest control company to eliminate the drain flies at the bar and implement an ongoing integrated pest management program.
 - g. Thoroughly clean the food establishment. This includes all surfaces, in the kitchen, bar and dining area, as well as all equipment and utensils.
 - h. Use an open food grade battering container that is washed and sanitized after each use.
 - i. Ensure food is not stacked on top of other food inserts in the food preparation cooler.
 - j. Ensure all foods under refrigeration are stored at 4 degrees Celsius or lower at all times.
 - k. Store portioning utensils in a sanitary manner outside of bulk food containers.
 - l. Ensure all chemicals containers are labelled with their contents to prevent misuse.
 - m. Ensure chlorine sanitizers are used at a concentration of 100 ppm.
 - n. Ensure all foods are handled in a sanitary manner.
 - o. Store all knives and utensils in a sanitary manner.

- p. Obtain new chlorine and iodine test strips. Discard all expired test strips and ensure staff are trained on how to use them. Chemical concentration must be verified daily.
 - q. Cleaning cloths must be immersed in a sanitizer solution between uses. Sanitizer solution in buckets must be changed frequently. Ensure the sanitizing solution concentration is tested each time.
 - r. Obtain appropriate pH test strips in order to verify the sushi rice acidity. Sushi rice acidity must be verified at 4.6 or lower prior to storing cooked rice at room temperature.
 - s. Prepare, implement, and maintain a detailed written sanitation program to facilitate the proper cleaning of all areas of the food establishment, including equipment, and structural surfaces. The sanitation program must include a list of all cleaning and sanitizing agents used within the food establishment.
 - t. Discard any damaged food containers or utensils.
 - u. A manager or person in care and control of the food establishment in addition to the owner must complete a certificate course in food safety (recognized food safety courses in Alberta: <https://www.alberta.ca/assets/documents/health-recognized-food-safety-courses-alberta.pdf>)
 - v. All other food handlers are required to take the Alberta Food Safety Basics Interactive Course: <https://ahs.myabsorb.ca/#/public-dashboard> (available in additional languages: <https://www.albertahealthservices.ca/eph/Page3151.aspx#online>)
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, July 21, 2023.

AMENDED on July 24, 2023.

Confirmation of a verbal order issued to Yifan Wang on July 21, 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>

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www.albertahealthservices.ca/eph.asp