ORDER OF AN EXECUTIVE OFFICER
NOTICE OF PARTIAL CLOSURE

To: 2214129 Alberta Ltd.
      Patrick Malkin
      Rachael Willie
      “the Owner”

RE: Those premises located in Red Deer, Alberta and municipally described as:
The Granary, 1935 50 Avenue

WHEREAS the Chief Medical Officer of Health (CMOH) has issued the following Records of Decision – CMOH Order 54-2021, Order 55-2021, Order 56-2021 and Order 59-2021 of the Public Health Act, RSA 2000, c. P-37, as amended or varied by subsequent Records of Decision, in response to a public health emergency,

AND WHEREAS an investigation was completed pursuant to the Public Health Act, and/or I as an Executive Officer of Alberta Health Services, have inspected the above noted premises;

AND WHEREAS the above noted investigation and/or an inspection of the premises 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. Patrons and attendees of the establishment were not being screened for one of the following at the point of entry or at the counter for dine in services: proof of vaccination, proof of a negative COVID-19 test result from a sample that is taken within the prior 72 hours, or original vaccine medical exemption letter. Specifically, complaints were received by the undersigned Executive Officer indicating that employees are allowing patrons to dine-in when presented with a photograph of a dog and personal identification. An investigation was conducted on January 11th, 2022 and the complaints were validated by two test shoppers as they were both able to enter and dine-in at the above noted establishment after presenting a photograph of a dog (as a substitute for proof of vaccination/QR code) and personal identification to staff. The test shoppers entered the premises at separate times. In both instances, facility staff used a tablet to make it appear as if they were scanning a QR code when in fact the staff member was presented with a photograph of a dog. The staff member then proceeded to ask the test shopper for personal identification and offered dine in services.

AND WHEREAS by virtue of the above orders of the CMOH, the above noted premises are hereby prohibited from allowing public access into their business for dine-in services and the indoor dining area is hereby declared to be CLOSED.
NOW THEREFORE, I hereby ORDER and DIRECT:

1. That the owner IMMEDIATELY CLOSE the indoor dining area of the premises to the public.

2. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
   a. Submit a written plan and commitment to implement a restrictions exemption program in full compliance with CMOH order 54-2021, amended by CMOH order 56-2021 and CMOH Order 59-2021, or such future Records of Decision that amend or alter said orders, for approval by an Executive Officer of Alberta Health Services.
   b. Provide all staff training on how to implement the restrictions exemption program.
   c. Provide written confirmation that all staff are trained and understand the implementation requirements of the restrictions exemption program.
   d. Attend an administrative hearing with Environmental Public Health and demonstrate that the above work, as described in section a, b and c, has been completed to the satisfaction of an Executive Officer of Alberta Health Services.

3. That until such time as the conditions of paragraph 2 are met, the above noted indoor dining area of the premises shall remain closed.

The above conditions were noted at the time 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.


Confirmation of a verbal order issued to Patrick Malkin on January 14, 2022.

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
Order of an Executive Officer – Notice of Partial Closure
RE: The premises located in Red Deer, Alberta and municipally described as: The Granary, 1935 50 Avenue

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 Alberta Health Services at 780-342-0122 or by contacting the Public Health Appeal Board.

Health Legislation, Regulations and Standards

Electronic versions of the Public Health Act and Regulations are available at the Alberta Queen's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or www.qp.gov.ab.ca.

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Copies of standards are available by contacting the Health Protection Branch of Alberta Health at 780-427-4518 or by visiting: https://www.alberta.ca/health-standards-and-guidelines.aspx

COVID-19 Template revised December 2021

Copy: Office of the Chief Medical Officer of Health

For more information, please contact your nearest Environmental Public Health office.

Edmonton Main Office 780-735-1800 Grande Prairie Main Office 780-513-7517
Calgary Main Office 403-943-2288 Red Deer Main Office 403-356-6366
Lethbridge Main Office 403-388-6689

www.albertahealthservices.ca/eph.asp