

## **ORDER OF AN EXECUTIVE OFFICER NOTICE OF CLOSURE**

**To:** The Mercantile Co. Inc.  
Justin Munchinsky  
“the Owners”

**RE:** The food establishment located in Red Deer, Alberta and municipally described as:  
The Mercantile Co., 5501 45 Avenue

**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. Evidence of a pest infestation was observed. Mouse droppings were present on the floor, shelves, countertops, equipment and in multiple areas throughout the facility.
- b. Weather stripping on the front door is damaged.
- c. No written pest control records were available for review.
- d. The small reach-in cooler is not being maintained at a safe operating temperature; the measured temperature was 20°C.
- e. The dipper well was not functioning properly. When turned on, it either leaks water at the tap or produces only a minimal flow into the dipper well.
- f. The facility is not being kept in a clean and sanitary manner.
- g. Written sanitation procedures are not available.

**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. Evidence of a pest infestation was observed. Mouse droppings were observed on the floor, shelves, countertops, equipment and in multiple areas throughout the facility. This is in contravention of the Food Regulation, AR 31/2006 section 21(1) which states that: “subject to subsection (1.1), a commercial food establishment must be kept free of pests and of conditions that lead to the harbouring or breeding of pests.”
- b. Weather stripping on the front door is damaged. This is in contravention of the Food Regulation, AR 31/2006 section 17(1)(a) which states that: “An operator must ensure that, before operation of the commercial food establishment commences, the commercial food establishment is of sound construction and in a good state of repair.” This is also in contravention of section 17(2), which states that: “subject to subsection (2.1), the operator must ensure that the commercial food establishment is constructed to control the entry of pests.”

- c. No written pest control records were available for review. This is in contravention of the Food Regulation AR 31/2006 section 21(2) which states that: “a written record of all pest control measures used in the commercial food establishment and surrounding area, premises and facilities referred to in subsections (1) and (1.1) must be maintained.”
- d. The small reach-in cooler is not being maintained at a safe operating temperature; the measured temperature was 20°C. This is in contravention of the Food Regulation AR 31/2006 section 18(b)(ii) which states that: “An operator must ensure that (b) all refrigeration and hot holding equipment used in the commercial food establishment is capable of maintaining the respective temperatures required by section 25.”
- e. The dipper well was not functioning properly. When turned on, it either leaks at the tap or produces only a minimal flow into the dipper well. This is in contravention of the Food Regulation AR 31/2006 section 28(3)(a) and 28(3)(b) which states that: “All equipment and utensils in a commercial food establishment must be (a) kept in good working order and condition, and (b) maintained in a manner that ensures the safe and sanitary handling of food.”
- f. The facility is not being kept in a clean and sanitary manner. Mice droppings were observed throughout the facility including food contact surfaces. This is in contravention of the Food Regulation AR 31/2006 section 28(2) 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. Written sanitation procedures are not available. This is in contravention of the Food Regulation AR 31/2006 section 29(1) which states that: “a commercial food establishment must have written procedures designed to ensure its safe and sanitary operation and maintenance.”

**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. Hire the services of a professional pest control company to ensure the pest infestation is effectively mitigated and that the establishment remains free from pests and conditions conducive to the harbouring or breeding of pests. All areas must be thoroughly cleaned and sanitized.
  - b. Ensure the front door weatherstripping is repaired.
  - c. Ensure a written record of all pest control measures used in the food establishment and surrounding area, premises and facilities are maintained.
  - d. Ensure the small reach-in cooler is repaired and capable of maintaining a temperature of 4°C or less.
  - e. Ensure the dipper well is repaired and functioning properly.
  - f. Ensure all areas of the facility are thoroughly cleaned. Additionally, all equipment and utensils and all surfaces in which food comes into contact with must be thoroughly cleaned and sanitized.

- g. Develop a written sanitation plan as required in the Food Regulation, AR 31/2006 section 29(1) and (2), that includes procedures for the following:
  1. the cleaning and sanitizing requirements for the food establishment and for all equipment and utensils in it, that are not normally washed in a dishwasher, and
  2. a list of all cleaning and sanitizing agents used in the commercial food establishment, including their concentrations and uses.
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 Red Deer, Alberta, January 28, 2026

Confirmation of a verbal order issued to Justin Munchinsky on January 28, 2026.

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](mailto: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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