

ORDER OF AN EXECUTIVE OFFICER NOTICE OF CLOSURE

To: Hwa Sook Ham (Julia)
345 MacEwan Road
Edmonton, Alberta
T6W 1V8

RE: The food establishment located in Edmonton, Alberta and municipally described as:
Kim Chee Place
10310 83 Avenue
Edmonton, Alberta
T6E 5C3

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. The facility was in operation without a valid Food Handling Permit.
- b. The concession was operating without potable hot and cold running water
- c. Foods were being made in an unapproved facility, and offered for sale.
- d. No supervisory or management personnel held a provincially approved food safety certification
- e. Foods were being deep fried in the concession without any ventilation system in place to remove the grease laden vapors.

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 food establishment, namely:

Violation [a] is in contravention of Section 3(1) of the Food Regulation which states, "No person shall operate a food establishment unless

(a) the person is an operator who holds a valid and subsisting permit for the operation of a food establishment, and

(b) the food establishment is identified on the permit as approved by the regional health authority that issued the permit."

Violation [b and e] is in contravention of Sections 17(1)f(i) 19& 20 of the Food Regulation which state, "An operator shall ensure that, before operation of the commercial food establishment commences, the commercial food establishment is, if so required by the Executive Officer, supplied with hot and

cold running water that is safe for human consumption and available in quantities sufficient to meet the needs of the food establishment" and "A person shall not operate a commercial food establishment unless (a) all the requisite plans and specifications referred to in section 16 for the food establishment have been approved by the executive officer, and (b) it is constructed and maintained in accordance with that approval."

Violation [c] is in contravention of Section 22(1) of the Food Regulation which states, "Subject to this section, a commercial food establishment must obtain all food that is liable under law to inspection by the Government of Canada or Alberta or by an agency of either from a source that is subject to inspection by that entity."

Violation [d] is in contravention of Section 31 of the Food Regulation which states,

"(1) A person operating a commercial food establishment must, at any time when there are 5 or fewer food handlers working on the premises, ensure that at least one individual who has care and control of the commercial food establishment holds a certificate issued by the Minister confirming that individual's successful completion of a food sanitation and hygiene training program or a document that the Minister considers equivalent to such a certificate.

(2) A person operating a commercial food establishment must, at any time when there are 6 or more food handlers working on the premises, ensure that at least one member of the management or supervisory staff of the commercial food establishment holds a certificate or equivalent document referred to in subsection (1) and that the individual is present at the commercial food establishment at the time."

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 food establishment. You must not handle process, serve, sell, or otherwise distribute food from this facility until you are approved to reopen by and Executive Officer of Alberta Health Services.
2. That the owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Do not process, sell, or distribute food products that have not been made in an approved food facility. Always ensure that all food sold in the concession is from a source that is subject to inspection.
 - b. Provide sufficient hot (at least 45C) and cold potable water for the concession. Always ensure that there is sufficient supply of hot and cold potable water to meet the needs of the concession. Ensure water is available at all sinks at all times.
 - c. Enroll a staff member in a recognized food sanitation and hygiene course. Ensure that at least one staff member, who has care and control of the concession, holds a certificate issued by the Minister confirming that individual's successful completion of a food sanitation and hygiene training program or a document that the Minister considers equivalent to such a certificate at all times.
 - d. Cease and desist from deep frying in the concession until a commercial ventilation exhaust system is installed. Ensure that the ventilation system is maintained in

proper operating condition and capable of removing odors, grease, smoke, steam and heat from areas where food is prepared.

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 Edmonton, Alberta, March 3, 2014

Confirmation of a verbal order issued to Hwa Sook Ham, on March 1, 2014 at 10:34am

_____(Original Signed)_____
Daniel Dompree, CPHI(C)
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, Telus Plaza North Tower
10025 Jasper Avenue NW
Edmonton, Alberta, T5J 1S6
Phone: 780-427-2813
Fax: 780-422-0914
Email: health.appealboard@gov.ab.ca

A Notice of Appeal form may be obtained by contracting 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.

Health Legislation and regulations are available for purchase. Please contact Alberta Queen's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or www.qp.gov.ab.ca.

Copies of standards are available by contacting the Health Protection Branch of Alberta Health at 780-427-4518, or by visiting: www.health.alberta.ca/about/health-legislation.html

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HSBC Building, 700, 10055 106 Street, Edmonton, Alberta, Canada T5J 2Y2

www.albertahealthservices.ca/eph.asp