

ORDER OF AN EXECUTIVE OFFICER NOTICE OF CLOSURE

To: Biruk Belete
11124 – 107 Avenue
Edmonton, Alberta
T5H0X8

RE: The food establishment located in Edmonton, Alberta and municipally described as:
Papyrus Lounge, 11124 – 107 Avenue, Edmonton, Alberta, T5H 0X8

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 breaches of the Public Health Act and the Food Regulation, Alberta Regulation 31/2006 exist in and about the above noted premises, namely:

- a. Modifications had been made to the approved food facility without prior approval by the Regional Health Authority.
- b. The required kitchen hand sink had been removed.
- c. Food preparation area was found in an unclean and unsanitary condition.
- d. An infestation of flying insects was noted.
- e. Spray insecticide was being applied in the food preparation area.
- f. A significant accumulation of empty bottles and other refuse was present that was providing a harbourage and breeding area for pests.
- g. The plumbing at the three compartment sink was in disrepair and leaked.
- h. No hand washing supplies were present at any of the sinks in the food preparation area.
- i. Pest control records were not available at the time of inspection.
- j. The ceiling and sections of wall in the food preparation area were in disrepair, and were not smooth or washable.

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 16 of the Food Regulation that states, "A person must not construct or make alterations to a commercial food establishment unless plans and specifications for the construction or alteration, as the case may be, have been approved by an Executive Officer"

Violation [b] is in contravention of Section 17(1)(e) of the Food Regulation, which states, "An operator must ensure that, before operation of the commercial food establishment commences, the food commercial establishment has handwashing stations, adequate in number and location, to ensure convenient access to all food handlers."

Violation [c] is in contravention of Section 28 of the Food Regulation which states,

- "(1) A commercial food establishment must have all the facilities, equipment and utensils that are necessary to ensure its safe operation and maintenance.
- (2) 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.
- (3) 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

Violations [d, f and i] are in contravention of Sections 21(1) & 21(2) of the Food Regulation, which state, "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" and "A written record of all pest control measures used in the food establishment and surrounding area, premises and facilities referred to in subsection (1) must be maintained."

Violation [e] is in contravention of Section 2(1) of the Nuisance and General Sanitation regulation, which states "No person shall create, commit or maintain any condition which is or may become injurious or dangerous to public health, or may hinder in any manner the prevention or suppression of disease."

Violation [g] is in contravention of Sections 17(1)(f)(ii) & 20 of the Food Regulation 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, connected to a lawful and properly operating sewage disposal system" 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 [j] is in contravention of Sections 17(1) & 19 of the Food Regulation, which state, "An operator shall ensure that, before operation of the commercial food establishment commences, the commercial food establishment

- (a) is of sound construction and in a good state of repair,
- (b) is so designed as to facilitate the effective cleaning and sanitizing of it and all equipment, utensils and surfaces with which food comes into contact, in it,
- (c) is so designed as to ensure the safe and sanitary handling of food in it" and "A person shall not operate a food establishment unless

- all the requisite plans and specifications referred to in section 16 for the commercial food establishment have been approved by the executive officer,
- it is constructed and maintained in accordance with that approval."

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.

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 plans and/or get approval for any modifications and alterations to the food establishment. Ensure that any modifications to the food establishment are approved by an Executive Officer of Alberta Health Services
 - b. Re-install a functional hand sink in the food preparation area. Replace the hand washing supplies at all hand washing sinks. Ensure that the hand washing sinks are always accessible and properly equipped with adequate hand washing supplies.
 - c. Clean and sanitize all areas of the food facility. Ensure that the facility is maintained in a clean and sanitary condition at all times.
 - d. Employ the services of a licensed pest control company to eliminate the infestation of flies and any other pests. Ensure that the food facility is maintained free from pest infestation at all times. Ensure that all records of pest control activity are maintained on site and available for inspection.
 - e. Remove empty beverage containers and garbage. Ensure that materials do not build up to provide a harbourage or breeding area for pests.
 - f. Cease and desist the application of pesticides without a license. Ensure that all chemical pest control in the food facility is conducted by, or under the supervision of, a licensed pest control operator.
 - g. Repair or replace the leaking plumbing on the three compartment sink. Ensure that the plumbing fixtures are maintained in good condition and free from defects at all times.
 - h. Repair the ceiling, walls, and any other surface in the food preparation area that is damaged. Ensure that all finishes in the food preparation and storage areas are in good condition, and constructed from material that is smooth, washable, and non-absorbent.

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 food establishment 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 Edmonton, Alberta, March 3, 2015

Confirmation of a verbal order issued to Biruk Belete, on March 3, 2015

_____(Original Signed)_____
Glenn Jenkins, MPH, B.Sc. CPHI(C)
Executive Officer
Environmental Health Officer

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 within ten (10) days after receiving the order to the Public Health Appeal Board located at Reception, Main Floor. Telus Plaza, 10025 Jasper Avenue, Edmonton, Alberta, T5J 1S6, Telephone 780-427-2813 Fax 780-422-0914.

The terms of this Order remain in effect notwithstanding the filing or proposed filing of any such appeal. If you appeal, you may also make an application to the Board for a stay of this Order pending the appeal.

A copy of the Public Health Appeal form may be obtained by contacting Alberta Health Services at 780-342-0122 or the Public Health Appeal Board 780-427-2813.

You are advised that all orders remain in effect pending such an appeal.

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

Copy: AGLC, City of Edmonton, Edmonton Police Service