

## **ORDER OF AN EXECUTIVE OFFICER**

**To:** **Cathay Marketing LTD.**  
Henry Yan Sit  
Filip Sit  
Ann Sit

**RE:** The food establishment located in Edmonton, Alberta and municipally described as:  
Cathay Food Market, 5725 91 Street.

**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. Hot holding equipment was utilized to reheat soups that were frozen. Soups were 20°C and 30°C. Both soup pots were removed to be reheated properly on the stove.
- b. The sinks in the kitchen were missing paper towel; dirty used wiping cloths and cloth hand towels were used for handwashing.
- c. The handsink was inaccessible and completely blocked thus inhibiting proper handwashing.
- d. Both expired foods and food products past the best-before dates were observed on display for customer purchase.
- e. Spoiled food was stored in an upright cooler.
- f. No sanitizer was available in the kitchen upon request.
- g. Improper manual dishwashing was practiced as the sanitizing step was not being practiced.
- h. Sanitizer test strips were not available to test sanitizer concentration.
- i. No probe thermometer to test the reheating soup was available in the kitchen.
- j. Food items were stored on the floor.
- k. Dog food, dog-related items, and personal items were stored with food in the kitchen.
- l. Food product on display was dusty and the display shelving itself was dirty.
- m. The handsink plumbing was turned off and/or not functional.
- n. No pest control reports were available upon request.
- o. Areas of the facility were not addressed adequately in the written sanitation plan.

**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. Violation [a] is in contravention of Section 24 of the Food Regulation which states: "All food handling in a commercial food establishment must be done in a manner that makes the food safe to eat."
- b. Violation [c] 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."
- c. Violations [g and h] are 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."
- d. Violation [i] is in contravention of Section 18 of the Food Regulation which states: "An operator shall ensure that all equipment and utensils used in the food establishment and all surfaces in it with which food comes into contact are entirely constructed or manufactured from materials that are suitable for their intended purpose, durable, easily cleanable and free from any undesirable substance."
- e. Violation [p] is in contravention of Section 29 of the Food Regulation which states, "A commercial food establishment must have written procedures designed to ensure its safe and sanitary operation and maintenance" and "The procedures must include the cleaning and sanitizing requirements for the food establishment and for all equipment and utensils in it, if any, that are not normally washed in a dishwasher, and  
(b) a list of all cleaning and sanitizing agents used in the food establishment, including their concentrations and uses."
- f. Violations [l] is in contravention of Section 19 of the Food Regulation, which states, "A person must not operate a commercial food establishment unless (a) all the requisite plans and specifications referred to in Section 16 for the commercial food establishment have been approved by the executive officer, and (b) it is constructed and maintained in accordance with that approval."
- g. Violations [d, e, and j] are in contravention of Sections 23(1) of the Food Regulation, which states, "All food used or to be used in a commercial food establishment must be  
(a) protected from contamination, and  
(b) handled in a sanitary manner."  
Section 23(2) of the Food Regulation which states, "Subject to any procedure involved in disposing of it that is otherwise in accordance with the law, food that has become contaminated or otherwise unfit for human consumption shall not be served, offered for sale, processed, packaged, displayed or stored for human consumption."
- h. Violation [k] is in contravention of Section 20(1) of the Food Regulation which states, "All articles and materials in a commercial food establishment that are not associated with or required for the operation or maintenance of the food areas must be stored separately from the food and the food areas and in a manner that contaminates neither."
- i. Violation [o] is in contravention of Section 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."

- j. Violation [b ] is in contravention of Section 30(4) of the Food Regulation which states: "The handwashing stations referred to in section 17(1)(e) must be maintained and kept supplied."
- k. Violations [m] are 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
  - (a) all the requisite plans and specifications referred to in section 16 for the commercial food establishment have been approved by the executive officer,
  - (b) it is constructed and maintained in accordance with that approval."

NOW THEREFORE, I hereby **ORDER** and **DIRECT**:

1. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
  - a. Reheat high risk perishable foods by using proper cooking equipment (e.g. stovetop, oven, microwave) so that the food is reheated quickly. Ensure that the reheated foods reach an internal temperature of 74°C for a minimum of 15 seconds before transferring the cooked foods to a hot holding unit capable of maintaining a temperature of more than 60°C.
  - b. Remove all items that obstruct access to the hand sink. Ensure that the hand washing stations are accessible for use at all times. Ensure that the hand washing stations are always equipped with liquid soap and single use towels. Ensure that the single use towels are always dispensed in a hygienic manner, such as in an enclosed dispenser.
  - c. All spoiled, tainted, unwholesome, expired or otherwise contaminated foods must be discarded immediately. Ensure that foods that are stored, processed, and/or provided for public consumption are wholesome, untainted, and fit for human consumption at all times. Ensure that unfit foods are not stored in a manner that may contaminate other foods.
  - d. Obtain an approved sanitizer and ensure that sanitizer is available in food handling areas at all times. Ensure that effective and approved chemicals are used during manual dishwashing at all times. All utensils and food equipment are to be cleaned, scrubbed, and sanitized in the following manner at all times:
    - a) wash in a 45°C detergent solution
    - b) rinse in 45°C clean, potable water
    - c) sanitize by immersing for 2 minutes in no less than 100ppm chlorine solution or QUAT solution of 200 ppm.
    - d) air dry
  - e. Obtain chemical testing equipment capable of measuring the approved sanitizing agent concentration. Approved sanitizing solutions are as follows: Chlorine (bleach): A solution of not less than 100 - 200 ppm (part per million) chlorine is required. Quats: A quaternary ammonium compound (quats) having a strength of at least 200 ppm is required. Iodine: An iodine solution containing at least 25 ppm available iodine is required.
  - f. Obtain and use probe thermometers. Ensure that all coolers and hot holding equipment are equipped with functional thermometers at all times. Ensure all areas utilized for hot holding and reheating of high risk foods are each equipped with probe thermometers.

- g. Turn on the water at all sinks. Ensure that all sinks have both hot and cold running water at all times. Repair the leaking plumbing (if required) from the handsink. Ensure that plumbing and plumbing fixtures are maintained in good repair at all times.
- h. Clean noted areas of the facility. Remove dust and debris from all food items on display and the display shelving. Ensure that the customer areas are maintained in a clean and sanitary manner at all times.
- i. Ensure that all food and/or beverages remaining on site are stored off of the floor and in a sanitary manner.
- j. Remove all items not needed for food preparation from food areas.
- k. Keep pest control records. Ensure that written records of pest control activities are maintained on site and available for inspection at all times.
- l. Create or revise your written sanitation program to facilitate the proper cleaning of all areas of the food establishment. Maintain the sanitation program to reflect the cleaning practices in the facility. Revise the written sanitation plan to address the areas that are being missed. Ensure that the written sanitation program is maintained and kept on site for staff to follow at all times.

2. The work referred to in paragraph 1 shall be completed by the following deadlines:

Items a, b, c, d, e, and f must be done immediately upon receipt of this Order.

Items h, i, j, k, and l must be completed before August 1, 2017

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, July 18, 2017.

Confirmation of a verbal order issued to Henry Yan Sit on July 17, 2017.

\_\_\_\_\_(Original Signed)\_\_\_\_\_

Nicole Obert, B.A., B.E.H., CPHI(C)

Environmental Health Officer

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: 780-222-5186  
Fax: 780-422-0914  
Email: [HealthAppealBoard@gov.ab.ca](mailto:HealthAppealBoard@gov.ab.ca)  
Website: <http://www.health.alberta.ca/about/PHAB.html>

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](http://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: [www.health.alberta.ca/about/health-legislation.html](http://www.health.alberta.ca/about/health-legislation.html)

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