

ORDER OF AN EXECUTIVE OFFICER NOTICE OF CLOSURE

To: Yarrow II Limited Partnership
“the Owner”

Craig Smith
“the Operator”

Marko Knezevic
“the Operator”

RE: The “pool” located in St. Albert, Alberta and municipally described as:
Everitt Gardens Swimming Pool

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 aquatics area including the swimming pool was in operation without a valid Pool Permit from Alberta Health Services.
- b. The facility pool chemistry records indicate that the manual water chemistry testing for pH, free chlorine, and combined chlorine, were not tested or recorded once per day.
- c. The facility pool chemistry records indicate that automated controller readings and associated setpoints were not being monitored or recorded once per day.
- d. There is evidence of staining and organic build up on the pool deck, mineral build-up on the tiles inside the basin, and a white film observed inside the skimmer.
- e. The marcite in the pool basin appears to be damaged and/or missing and is no longer in good repair. Missing tiles observed on the stairs into the pool basin.

AND WHEREAS such inspection disclosed that the following breaches of the Public Health Act and the Public Swimming Pools Regulation, Alberta Regulation 204/2014 and the Pool Standards there under exist in and about the above noted premises, namely:

- a. The aquatics area including the swimming pool was in operation without a valid Pool Permit from Alberta Health Services. This condition is in contravention of Section 7(1) of the Public Swimming Pools Regulation, which states: “No person shall operate a pool without a permit issued in accordance with this section.”
- b. The facility pool chemistry records indicate that the manual water chemistry testing for pH, free chlorine, and combined chlorine, were not tested or recorded once per day. These conditions are in contravention of Section 5.2.1 of the Pool Standards, which states: “The free chlorine, combined chlorine and pH must be tested manually at least once per day”

and Section 17(2) of the Public Swimming Pool Regulation, which states: “Tests and readings for free chlorine, combined chlorine and pH must be conducted in accordance with the Pool Standards during the normal operating hours of a public swimming pool as often as is necessary to enable the owner, the owner’s agent, if any, or the pool operator to demonstrate water quality”.

- c. The facility pool chemistry records indicate that automated controller readings and associated setpoints were not being monitored or recorded once per day. These conditions are in contravention of Section 5.2.2 of the Pool Standards, which states: “The automated readings and associated setpoints shall be monitored and recorded at least once per day” and Section 17(1) of the Public Swimming Pool Regulation, which states: “An owner, the owner’s agent, if any, or the pool operator must monitor the quality of water in the public swimming pool routinely and keep proper records of testing results and readings”.
- d. There is evidence of staining and build up on the pool deck, mineral build-up on the tiles inside the basin, and a white film observed inside the skimmer. These conditions are in contravention of Section 11(a) of the Public Swimming Pool Regulation, which states: “In accordance with the Pool Standards, a pool (a) must be maintained so that (i) all the floors and decks that are wet traffic areas used by patrons with bare feet are impervious to moisture, easily cleaned and easily maintained, (ii) all the surfaces in the public swimming pool premises with which patrons come into contact are maintained in a clean and sanitary condition” and in contravention of Section 11(b) of the Public Swimming Pool Regulation, which states: “a pool must be maintained in a state of repair that provides for the safe and sanitary operation of the pool”.
- e. The marcite in the pool basin appears to be damaged and/or missing and is no longer in good repair. Missing tiles observed on the stairs into the pool basin. These conditions are in contravention of Section 11(a)(iii) of the Public Swimming Pool Regulation, which states: “In accordance with the Pool Standards, a pool must be maintained so that the basins and liners are structurally sound and maintained in good repair” and Section 11(b) of the Swimming Pool Regulation, which states: “In accordance with the Pool Standards, a pool must be maintained in a state of repair that provides for the safe and sanitary operation of the pool.”

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. Complete and submit the following documentation to an Executive Officer of Alberta Health Services: pool permit application with current facility name, anti-entrapment plan, written water quality incident response plan, and general sanitation plan. Confirm with an Executive Officer of Alberta Health Services that all requirements for a valid pool permit have been met, an approval inspection has been completed, and a pool permit is issued.
 - b. Ensure the pool operator and staff manually test the water chemistry at the basin once per day and ensure all parameters are recorded on the log sheet. Ensure facility records are created and maintained in accordance with the Pool Standards.

- c. Ensure the pool operator and staff observe and record automated controller readings and setpoints once per day. Ensure facility records are created and maintained in accordance with the Pool Standards.
 - d. Thoroughly clean the pool and pool common areas including pool deck, pool floors and walls, and inside skimmers.
 - e. Have pool basin assessed and repaired by a certified professional to confirm the pool basin is structurally sound, in good repair, and is able to be maintained in a sanitary condition. Submit the report to an Executive Officer with Environmental Public Health for review.
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 Edmonton, Alberta, April 16, 2024.

Confirmation of a verbal order issued to Wiltah Berman on April 14, 2024.

(Original Signed)
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
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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www.ahs.ca/eph