

## ORDER OF AN EXECUTIVE OFFICER

**To:** Brenda Chao  
Joey Poh  
Fai To  
“the Owner”

**RE:** The food establishment located in Edmonton, Alberta and municipally described as:  
Garden Bakery, 10019 106 Avenue NW

**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:

### RESTAURANT:

- a. Perishable foods noted to be out at room temperature. Noodles in a bucket of water rehydrating at room temperature. Egg slurry at 17-18C and left out for over 2 hours. Cooked meat (13C surface temp and 6C internal temperature) left at room temperature and was not being processed by a staff member.
- b. Food items at room temperature not cooled quickly. Congee and broth cooling in large buckets.
- c. Coolers noted to be above 4C and holding high risk food items. Stand-up double glass cooler (north end) temperature with high risk foods at 14.2C ambient and 12C internal food. Stand-up cooler (south end) at 10C with fresh garlic in oil and tapioca balls.
- d. Wet, dirty cleaning cloths on the food prep surfaces, counters, and on a container and not placed in the sanitizer bucket when not in use.
- e. An insect was found in the salt and pepper bowl on the cook line.
- f. Back door left open which allows for easy entrance of pests.
- g. Large bin filled with what appears to be oil, grease, and water from the wok which was in disrepair, which can be a food source for pests. This was located underneath the wok where cockroaches have been identified to harbor.
- h. Ice machine has what appears to be mildew, grime, and scale buildup inside and on the components.
- i. Large wok is in disrepair as it has a large crack which is causing the equipment to leak what appears to be oil, grease, and water.
- j. Spray nozzle in the dish pit is leaking water.
- k. Grease and food debris buildup noted: underneath, on top of, between, and on all large food equipment, especially on the cook line, under coolers, prep tables, and shelves.
- l. Cleaning schedule is not being followed and effectiveness is not verified.
- m. Deficiencies identified on pest control records are not being actioned upon to control pests identified present.

### BAKERY

- n. Walk-in coolers at 17C ambient and the other walk-in cooler is at 9.6C ambient.
- o. Upstairs hand sink has no hot water.
- p. Deficiencies identified on pest control records are not being actioned upon to control pests identified present.

**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. and b.] are in contravention of Section 24 of the Food Regulation which states, "All food processing in a food establishment must be done in a manner that makes the food safe to eat."
- b. Violation [c. and n.] is in contravention of Section 25(1) of the Food Regulation which states, "All high-risk food must be stored, displayed and transported at a temperature of (a) not more than 4 C or such higher temperature, or (b) not less than 60 C or such lower temperature as an executive officer stipulates under subsection (4)."
- c. Violation [d.] is in contravention of Section 28(2) of the Food Regulation which states, "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."
- d. Violation [e.] is 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."
- e. Violation [f.] is in contravention of Section 17(2) of the Food Regulation which states, "An operator shall ensure that the commercial food establishment is constructed to prevent the entry of pests."
- f. Violation [g.] is in contravention of Section 21(1) of the Food Regulation which states, "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."
- g. Violation [h. and i.] 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."
- h. Violation [j.] is in contravention of Sections 19 and 28(3) of the Food Regulation which states, "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" and "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."

- i. Violation [k.] is in contravention of Section 28(2) and Section 19 of the Food Regulation which states, "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" 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."
- j. Violation [l.] is in contravention of Section 29(1) of the Alberta Food Regulation and Section 4.2.1 of the Food Retail and Foodservices Code which states, "A commercial food establishment must have written procedures designed to ensure its safe and sanitary operation and maintenance" and "Food premises shall have a written sanitation program in place to monitor and control all elements in Section 4.0 of this Code, which generally must: (c) document that the sanitation program is monitored and its effectiveness verified."
- k. Violation [o.] is in contravention of Sections 17(1)(f)(i) and Section 28 of the Food Regulation which states, "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 commercial food establishment must have all the facilities, equipment and utensils that are necessary to ensure its safe operation and maintenance."
- l. Violation [m. and p.] is in contravention of Section 21(1) of the Alberta Food Regulation which states, "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."

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. Cease and desist the practice of storing high risk perishable foods at unsafe temperatures (above 4C and below 60C). Ensure *all* high risk perishable foods are always maintained either below 4°C or above 60°C at all times as to prevent microbial growth.
  - b. Keep perishable foods in the cooler or freezer until needed for processing. Promptly refrigerate or freeze perishable foods after processing and cooling.
  - c. Only take out as much food as needed for immediate food preparation. Put away delivered product promptly.
  - d. Chill cooked foods rapidly and in a safe manner by
    - a) portioning into smaller volumes, stir and agitate foods frequently,
    - b) using ice/cooling wands,
    - c) placing foods into shallow pans on the upper shelves of the refrigerator, to cool,
    - d) covering but not stacking pans so air cannot circulate around them.Use a timer and thermometer to monitor foods that are cooling.
  - e. Keep cloths in an approved sanitizer solution when not in use. When cloths become dirty, replace with a clean cloth. Do not store directly on counters, food prep areas, or containers.
  - f. All coolers must be maintained at 4C or less. Use an accurate thermometer to monitor cooler temperatures regularly throughout the day. Record temperature of all coolers.
  - g. Ensure all water fixtures (e.g., faucets) have hot and cold running water available during periods of operation.

- h. Discard any contaminated food, including food that has been contaminated by insects. Ensure food is protected and stored in containers with lids.
- i. Ensure the facility does not allow for easy access of pests, provide pest harborage areas, or have open food that can be used as a source of food for pests. Keep doors closed when not being used or have a screen door with no gaps. Remove any buckets of oil, grease, or food debris.
- j. Ensure equipment is in good repair and sanitary. Repair or replace the wok and ensure it is not leaking oil, grease, or water. Wash and sanitize the ice machine.
- k. Ensure plumbing is in good repair and free of leaks. Repair or replace the spray nozzle at the dish pit sink.
- l. Ensure facility is kept in a sanitary state. Clean and sanitize underneath, on top of, between, and on all large food equipment, especially on the cook line, under coolers, prep tables, and shelves.
- m. Ensure pest control reports are followed up with in a timely manner. Address items mentioned on March 14, 2018 and April 23, 2018 reports, including sanitation concerns and voids in plumbing and suspended ceiling.
- n. Maintain a written sanitation program to monitor and record the effectiveness of maintenance and cleaning procedures in the food establishment. The written sanitation program is to reflect the cleaning practices of the facility (ie. items of equipment to be cleaned; procedures and chemicals used; frequency of cleaning; when the item was cleaned) and is to be kept onsite for staff to follow.

2. The work referred to in paragraph 1 shall be completed by:
- a. Immediately upon receipt of this order for items a. to e.
  - b. May 25, 2018 for items f. to i.
  - c. May 30, 2018 for items j. to n.

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, May 22, 2018

\_\_\_\_\_(Original Signed)\_\_\_\_\_  
Jamie Carbert, 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](mailto:health.appealboard@gov.ab.ca)

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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[www.albertahealthservices.ca/eph.asp](http://www.albertahealthservices.ca/eph.asp)