

ORDER OF AN EXECUTIVE OFFICER NOTICE OF CLOSURE

To: 3 Brothers Diner Ltd.
Ganga Kaphale
Narahari Kaphale
“the Owner”

RE: The food establishment located in Edmonton, Alberta and municipally described as:
New Mountain Village, 248 91 Street SW, T6X 0A9.

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. Several wet, dirty, and tattered cleaning cloths were observed mounded on countertops and not stored in sanitizer solution between uses.
- b. Scoops were stored with the dirty high-touch surface in direct contact with the food ingredient.
- c. Food equipment was stored in an unsanitary manner:
 - Clean equipment such as takeout containers were stored on dirty surfaces and filth.
 - Utensils and food equipment were also observed in use without first being washed & sanitized – the sales labels were still intact.
 - Single-use disposable utensils in storage within customer area were dirty and contaminated.
- d. Improper manual dishwashing procedures were practiced by staff: The two compartment sinks were not large enough to properly wash and sanitize food equipment: some equipment and utensils would not fit and be able to rotate inside of the basin to fully submerge into a sanitizing solution.
- e. Food containers, food equipment, sieves, and cutting boards were in poor condition. Metal sieves were severely damaged - metal mesh missing. Containers and lids were broken, missing pieces, and one lid was poorly taped back together. Cutting boards are overworn, pitted, dirty, and were otherwise not maintained in good condition or repair.
- f. Food equipment throughout exhibited poor sanitation with an accumulation of dirt, grime, and food debris, which includes but is not limited to: cook equipment, the microwave inside and out, the underside of the cookline shelf, the interior and doors of the oven, the fryer baskets, walk in cooler walls/ceilings/fan, blenders, the industrial mixer, the dough roller, and power long shaft power mixer.
- g. Areas throughout the facility exhibited poor sanitation with an accumulation of dirt, grime, and food debris, which includes but is not limited to: all ceiling tiles, ceiling diffusers, all walls, all shelving, the floors in hard-to-reach areas, the doors/door edges, and light

switches. Washroom doors, toilets, light switches, and sinks require more thorough cleaning.

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. Several wet, dirty, and tattered cleaning cloths were observed mounded on countertops and not stored in sanitizer solution between uses; which is in contravention of **Section 28(1) and Section 28(2) of the Food Regulation, AR 31/2006**, which states that: **28(1)** A commercial food establishment must have all the facilities, equipment and utensils that are necessary to ensure its safe operation and maintenance. **28(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.
- b. Scoops were stored with the dirty high-touch surface in direct contact with the food ingredient; which is in contravention of **Section 28(2), and 28(3) of the Food Regulation, AR 31/2006**, which states that: **28(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. **28(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.
- c. Food equipment was stored in an unsanitary manner: Clean equipment such as takeout containers were stored on dirty surfaces and filth. Utensils and food equipment were also observed in use without first being washed & sanitized – the sales labels were still intact. Single-use disposable utensils in storage within customer area were dirty and contaminated; which is in contravention of **Section 28(2), and 28(3) of the Food Regulation, AR 31/2006**, which states that: **28(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. **28(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. Improper manual dishwashing procedures were practiced by staff: The two compartment sinks were not large enough to properly wash and sanitize food equipment: some equipment and utensils would not fit and be rotatable inside of the basin to fully submerge into a sanitizing solution. The required sanitizing step for proper manual dishwashing was not observed while staff were dishwashing or in practice. Sink facilities/dishwashing equipment installed were inadequate to allow for re-usable customer utensils, plates, cups/mugs, etc. Many of the observed food storage containers and a pot lid still exhibited the paper label indicating proper thorough dishwashing has not occurred before food use; which is in contravention of **Section 28(1), 28(2), and 28(3) of the Food Regulation, AR 31/2006**, which states that: **28(1)** A commercial food establishment must have all the facilities, equipment and utensils that are necessary to ensure its safe operation and maintenance. **28(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. **28(3)** All equipment and utensils in a commercial food establishment must be (a) kept in good working order and condition.

- e. Food containers, food equipment, sieves, and cutting boards were in poor condition. Metal sieves were severely damaged - metal mesh missing. Containers and lids were broken, missing pieces, and one lid was poorly taped back together. Cutting boards are overworn, pitted, dirty, and were otherwise not maintained in good condition or repair; which is in contravention of **Section 18(a) of the Food Regulation, AR 31/2006**, which states that: **18** An operator must ensure that (a) all equipment and utensils used in the commercial 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.
- f. Food equipment throughout exhibited poor sanitation with an accumulation of dirt, grime, and food debris, which includes but is not limited to: cook equipment, the microwave inside and out, the underside of the cookline shelf, the interior and doors of the oven, the fryer baskets, walk in cooler walls/ceilings/fan, blenders, the industrial mixer, the dough roller, power long shaft power mixer; which is in contravention of **Section 28(2), and 28(3) of the Food Regulation, AR 31/2006**, which states that: **28(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. **28(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.
- g. Areas throughout the facility exhibited poor sanitation with an accumulation of dirt, grime, and food debris, which includes but is not limited to: all ceiling tiles, ceiling diffusers, all walls, all shelving, the floors in hard-to-reach areas, the doors/door edges, the light switches. Washroom doors, toilets, light switches, and sinks require more thorough cleaning; which is in contravention of **Section 28(2), and 28(3) of the Food Regulation, AR 31/2006**, which states that: **28(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. **28(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.

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. Keep wet, used, and/or dirty cleaning cloths in an approved sanitizing solution at the correct concentrations when not in use. Ensure that the "Guidelines for the Use of Wiping Cloths" is followed. Ensure staff are trained to make sanitizer solution at the beginning of every shift, as the solution loses concentration of sanitizer,

becomes contaminated/dirty, and/or before food handling begins for the day. Train the staff to use the sanitizing test strips to ensure that the sanitizing solution is of an adequate concentration. <https://www.albertahealthservices.ca/assets/wf/eph/wf-eh-guidelines-wiping-cloths.pdf>

- b. Cease and desist the storage of scoops, bowls, or spoons in the dry food ingredient when not in use. Ensure that the handles or dirty hand-contact surfaces are not in direct contact with the food ingredient during use or in storage. Clean and sanitize the utensils used to obtain dry ingredients. Ensure that utensils and food are stored in a sanitary manner.
- c. Cease and desist the practice of storing food and food/equipment on dirty shelving units, dirty surfaces, or with items that may contaminate the food equipment. Clean and sanitize all items to be placed on food equipment or store the dirty items in an area distinctly separate from food and food equipment areas. Ensure that food and food equipment is stored in a manner that prevents cross contamination.
- d. Ensure all food equipment and containers have the paper/stick-on labels removed before thoroughly cleaning and sanitizing the item before food usage. Ensure all staff are trained on the proper manual dishwashing methods for two compartment sinks. Ensure that all food equipment, utensils, containers, dishware etc. fit and can be rotated inside of the basin to fully submerge into a sanitizing solution. Ensure that effective and approved chemicals are used during manual dishwashing; that all utensils and food equipment are to be cleaned, scrubbed, and sanitized in the following manner:
 - i. I. wash in a 45°C detergent solution,
 - ii. II. rinse in 45°C clean, potable water,
 - iii. III. sanitize by immersing for 2 minutes in no less than 100 ppm chlorine solution or QUAT solution of 200 ppm. Or sanitize for 2 minutes in no less than 77°C at the plate.
- IV. air dry.
- e. Remove/repair/replace all broken, damaged, or otherwise unsuitable equipment, utensils, and containers with lids. Never use duct tape or tape or string to repair food equipment. Ensure that food equipment are in good working condition and state of repair.
- f. Clean, sanitize, and maintain all food equipment. Ensure that all food equipment is maintained in a clean and sanitary condition.
- g. Clean and maintain all ceilings/walls around air diffusers, floors under equipment, hard to reach areas in the kitchen and customer areas, and shelving. Clean and maintain all aspects of the washroom. Ensure that the food establishment maintained in a clean and sanitary condition.

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, Feb 9, 2026

Confirmation of a verbal order issued to Narahari Kaphale and Ganga Kaphale on Feb 5, 2026.

Executive Officer Alberta Health Services

You have the right to appeal

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>.

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Copies of standards are available by visiting: <https://www.alberta.ca/health-standards-and-guidelines.aspx>