

ORDER OF AN EXECUTIVE OFFICER NOTICE OF CLOSURE

To: Rohit Kaura
Nisha Kaura
“the Owner”

RE: The food establishment located in Edmonton, Alberta and municipally described as:
Punjabi Rasoi; 9756 54 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:

- a. The facility construction was not approved by local regulatory agencies, and there were three propane tanks indoors, adjacent to and underneath open-flame cooking equipment.
- b. Evidence of a rodent infestation, including droppings on floors, shelves, takeout containers, etc.
- c. No handwashing sink in the kitchen.
- d. No paper towel in the staff bathroom.
- e. No probe thermometer or food safety records available.
- f. Improper food storage practices, including uncovered food storage containers, foods in direct contact with linen coverings, foods stored directly on the floor, unclean utensils stored in food products, and foods stored in unclean and/or unsuitable containers.
- g. Inadequate separation of food and non-food items in storage areas (e.g., staff belongings).
- h. Use of unsuitable and unclean items as food scoops (e.g., bowls).
- i. Some utensils and equipment were unclean, in disrepair, and/or improperly stored.
- j. Inadequate sanitizing of dishes, utensils, and food contact surfaces, including improper manual dishwashing procedures (i.e., no sanitizing step), not sanitizing food contact surfaces, lack of sanitizer testing equipment, and wiping cloths not stored in a sanitizing solution when not in use.
- k. Containers with cleaning agents in the kitchen were not labeled to identify their contents.
- l. Poor sanitation throughout the facility, including high touch surfaces, shelves, counters, drawers, floors, and walls.
- m. Areas of the floors, walls, ceilings, shelves, counters, and food preparation surfaces were in disrepair and/or unfinished and/or improperly finished.
- n. Gaps under the large bay door.

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. The facility construction was not approved by local regulatory agencies, and there were three propane tanks indoors, adjacent to and underneath open-flame cooking equipment. This is a contravention of section 17(1)(a) of the Food Regulation AR 31/2006 which states: An operator must ensure that, before operation of the commercial food establishment commences, the commercial food establishment is of sound construction and in a good state of repair.
- b. Evidence of a rodent infestation, including droppings on floors, shelves, takeout containers, etc. This is in contravention of section 21(1) of the Food Regulation which states: Subject to subsection (1.1), a commercial food establishment must be kept free of pests and of conditions that lead to the harbouring or breeding of pests.
- c. No handwashing sink in the kitchen. This 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 commercial food establishment has handwashing stations that are adequate in number and situated so as to ensure convenient access by all food handlers.
- d. No paper towel in the staff bathroom. This 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.
- e. No probe thermometer or food safety records available. This 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.
- f. Improper food storage practices, including uncovered food storage containers, foods in direct contact with linen coverings, foods stored directly on the floor, unclean utensils stored in food products, and foods stored in unclean and/or unsuitable containers. This is a contravention of section 23(1) of the Food Regulation AR 31/2006 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.
- g. Inadequate separation of food and non-food items in storage areas (e.g., staff belongings). This is a contravention of section 20(1) of the Food Regulation AR 31/2006 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.
- h. Use of unsuitable and unclean items as food scoops (e.g., bowls). This is a contravention of section 18(a) of the Food Regulation AR 31/2006 which states: An operator must ensure that 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.
- i. Some utensils and equipment were unclean, in disrepair, and/or improperly stored. This is a contravention of section 28(3) of the Food Regulation AR 31/2006 which states: 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.
- j. Inadequate sanitizing of dishes, utensils, and food contact surfaces, including improper manual dishwashing procedures (i.e., no sanitizing step), not sanitizing food contact surfaces, lack of sanitizer testing equipment, and wiping cloths not stored in a sanitizing solution when not in use. This is a contravention of section 28(2) of the Food Regulation AR 31/2006 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.
- k. Containers with cleaning agents in the kitchen were not labeled to identify their contents. This is a contravention of section 20(2)(a) of the Food Regulation AR 31/2006 which states: All chemicals, cleansers, and other similar agents associated with or required for the operation or maintenance of the food areas must be stored in containers that are not intended to be used to store food and that are clearly labelled to identify their contents.
 - l. Poor sanitation throughout the facility, including high touch surfaces, shelves, counters, drawers, floors, and walls. This is a contravention of section 28(2) of the Food Regulation AR 31/2006 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.
 - m. Areas of the floors, walls, ceilings, shelves, counters and food preparation surfaces were in disrepair and/or unfinished and/or improperly finished. This is a contravention of section 17(1)(a) of the Food Regulation AR 31/2006 which states: An operator must ensure that, before operation of the commercial food establishment commences, the commercial food establishment is of sound construction and in a good state of repair.
 - n. Gaps under the large bay door. This is a contravention of section 17(2) of the Food Regulation AR 31/2006 which states: Subject to subsection (2.1), the operator must ensure that the commercial food establishment is constructed to control the entry of pests.
 - o. No pest control documentation available. This is a contravention of section 21(2) of the Food Regulation AR 31/2006 which states: A written record of all pest control measures used in the commercial food establishment and surrounding area, premises and facilities referred to in subsections (1) and (1.1) must be maintained.
 - p. No written sanitation plan available. This is a contravention of section 29(1) of the Food Regulation AR 31/2006 which states: A commercial food establishment must have written procedures designed to ensure its safe and sanitary operation and maintenance.
 - q. No person in care and control had a certificate in an approved food safety training course. This is a contravention of section 31(1) of the Food Regulation AR 31/2006 which states: A person operating a commercial food establishment must, at any time when there are 5 or fewer food handlers working on the premises, ensure that at least one individual who has care and control of the commercial food establishment holds a certificate issued by the Minister confirming that individual's successful completion of a food sanitation and hygiene training program or a document that the Minister considers equivalent to such a certificate.
 - r. Plans were not submitted to Alberta Health Services, Environmental Public Health, for review and approval prior to construction. This is a contravention of section 16 of the Food Regulation AR 31/2006 which states: A person must not construct or make alterations to a commercial food establishment unless plans and specifications for the construction or alterations, as the case may be, have been approved by the executive officer.
 - s. Operating without a valid and subsisting food handling permit from Alberta Health Services. This is a contravention of section 3(1)(a)(b) which states: No person shall operate a food establishment unless (a) the person is an operator who holds a valid and subsisting permit for the operation of the food establishment, and (b) the food establishment is identified on the permit as approved by the regional health authority that issued the permit.

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. Remove the propane tanks and provide documentation from the responsible regulatory agencies confirming that the facility is in compliance with local regulations/codes/bylaws.
 - b. Ensure that the facility is free of pests and of conditions that lead to the harbouring or breeding of pests, including employing the services of a licensed pest control company and taking any measures they deem necessary to investigate and disinfect the premises.
 - c. Ensure that the facility is equipped with an adequate number of hand washing stations in suitable locations.
 - d. Ensure that all hand washing stations are kept supplied with soap and paper towels in suitable dispensers.
 - e. Ensure that food is handled in a manner that makes the food safe to eat, including having suitable thermometers and monitoring the safety of the food processes.
 - f. Ensure that all foods are adequately protected from contamination while in storage. This includes but is not limited to: adequately separating raw meat from other cooked or ready-to-eat foods, storing foods at least 6 inches off the floor, and storing foods in food grade containers that are clean, in good repair and have tight fitting lids or covers.
 - g. Ensure that all items that are not associated with or required for the operation or maintenance of the food areas are stored separately from food and food areas or are removed from the facility.
 - h. Ensure that appropriate food scoops with handles are used, that the handles do not contact the food products, and that they are maintained in a clean and sanitary manner.
 - i. Ensure that all equipment and utensils are in good repair and are stored in a sanitary manner.
 - j. Ensure that all equipment, utensils and food contact surfaces are washed and sanitized in a manner that removes contamination. This includes but is not limited to: using proper manual dishwashing procedures, properly preparing and testing sanitizing solutions, and storing wiping cloths in a sanitizing solution when not in use.
 - k. Ensure that all chemicals, cleaners and similar agents are stored in containers that are not intended to be used to store food and that are clearly labelled to identify their contents.
 - l. Ensure that the facility and equipment is maintained in a clean and sanitary manner, including shelving, counters, drawers, floors, walls, ceilings, high touch surfaces, and hard to reach areas.
 - m. Ensure that the facility is of sound construction and in a good state of repair.
 - n. Ensure that the facility is constructed to control the entry of pests.
 - o. Ensure that a written record of all pest control measures used in the facility and surrounding area is maintained.
 - p. Ensure that a comprehensive written sanitation plan is developed and implemented.

- q. Ensure that person(s) in care and control of the facility hold a certificate issued by the Minister confirming that individual's successful completion of a food sanitation and hygiene training program.
 - r. Ensure that plans are provided to Alberta Health Services, Environmental Public Health, for review prior to beginning any additional construction or alterations to the facility.
 - s. Obtain a valid food handling permit from Alberta Health Services.
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 20, 2023

Confirmation of a verbal order issued to Rohit Kaura and Nisha Kaura on April 17, 2023.

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.

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>

Copy: City of Edmonton

Edmonton • 106 Street Tower • Environmental Public Health

Suite 700, 10055 – 106 Street NW, Edmonton, AB T5J 2Y2 Tel: 1-833-476-4743 Fax: 780-735-1801

www.ahs.ca/eph