

## **ORDER OF AN EXECUTIVE OFFICER NOTICE OF CLOSURE**

**To:** 2278415 Alberta Ltd.  
Tsigeweini Tesfahuney  
“the Owner”

**RE:** The food establishment located in Edmonton, Alberta and municipally described as:  
Samy’s Convenience Store, 10657 97 Street NW, Edmonton, AB T5H 2L7

**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 operator was unable to provide proof of purchase for Ensure (meal replacement) products.
- b. The Pepsi cooler containing high-risk foods such as pre-packaged Hygaard and Quality Foods subs was maintaining temperatures between 8-14°C.
- c. The Pepsi cooler containing pre-packaged sandwiches was not equipped with a thermometer capable of monitoring refrigeration temperatures.
- d. Several foods were beyond the manufacturer’s best before date (BBD), and some were showing signs of spoilage such as a mango beverage with a BBD of Feb 10, 2025, that was discolored and separating.
- e. The facility was not operating in compliance with the permit restrictions which are “Pre-packaged foods and/or whole produce only – no preparation of food”. The facility was re-packaging candy and dispensing baked goods and candy.
- f. The bathroom handwash stations (2 of 2) were not equipped with soap or paper towel, and the cold-water taps had very low water pressure.
- g. The facility lacked an integrated pest management program. Small, black flies were observed in the facility. Sticky traps were squished together and no longer effective. Bags of yeast had chew marks on the packaging. Pest control records were not maintained.
- h. The facility was cluttered, dirty, and disorganized.
- i. The flooring throughout the back storage area of the facility and on the cashier platform was in poor repair.
- j. The east bathroom hand wash sink cabinet was water damaged and heavily stained.
- k. The only light fixture in the two-compartment sink room was not functional.
- l. The facility did not have garbage removal services onsite (no access to a dumpster), resulting in an accumulation of garbage in the facility.

**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 operator was unable to provide proof of purchase for Ensure (meal replacement) products. This is in contravention of Section 22(1) of the Food Regulation, AR 31/2006, which states "Subject to this section, a commercial food establishment must obtain all food that is liable under law to inspection by the Government of Canada or Alberta or by an agency of either from a source that is subject to inspection by that entity."
- b. The Pepsi cooler containing high-risk foods such as pre-packaged Hygaard and Quality Foods subs was maintaining temperatures between 8-14°C. This is in contravention of Section 25(1) of the Food Regulation, AR 31/2006, 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. The Pepsi cooler containing pre-packaged sandwiches was not equipped with a thermometer capable of monitoring refrigeration temperatures. This is in contravention of Section 18(b)(iii) of the Food Regulation, AR 31/2006, which states "An operator must ensure that all refrigeration and hot holding equipment used in the commercial food establishment is equipped with an accurate thermometer."
- d. Several foods were beyond the manufacturer's best before date (BBD), and some were showing signs of spoilage such as a mango beverage with a BBD of Feb 10, 2025, that was discolored and separating. This is in contravention of Section 23(2) of the Food Regulation, AR 31/2006, 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 must not be served, offered for sale, processed, packaged, displayed or stored for human consumption."
- e. The facility was not operating in compliance with the permit restrictions. This is in contravention of Section 9(4) of the Food Regulation, AR 31/2006, which states "An operator must ensure that the terms and conditions of the permit are not contravened."
- f. The bathroom handwash stations (2 of 2) were not equipped with soap or paper towel, and the cold-water taps had very low pressure. This is in contravention of Section 30(4) of the Food Regulation, AR 31/2006, which states "The handwashing stations referred to in section 17(1)(e) must be maintained and kept supplied."
- g. The facility lacked an integrated pest management program. This is in contravention of Section 21(1)(2) of the Food Regulation, AR 31/2006, 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. 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."
- h. The facility was cluttered, dirty, and disorganized. This is in 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." This is also in 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."
- i. The flooring throughout the back storage area of the facility and on the cashier platform was in poor repair. This is in contravention of Section 17(1) 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."

- j. The east bathroom hand wash sink cabinet was water damaged and heavily stained. This is in contravention of Section 17(1) 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."
- k. The only light fixture in the two-compartment sink room was not functional. This is in contravention of Section 17(1)(f)(iii) 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 equipped with lighting that is adequate in intensity to enable the sanitary operation and maintenance of the food handling areas."
- l. The facility did not have garbage removal services onsite (no access to a dumpster), resulting in an accumulation of garbage in the facility. This is in contravention of Section 28(1) of the Food Regulation, AR 31/2006, which states "A commercial food establishment must have all the facilities, equipment and utensils that are necessary to ensure its safe operation and maintenance."

**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. Obtain all food products from an approved source. Keep proof of purchase onsite for all products being retailed or stored onsite. Provide proof of purchase for the cases of Ensure; remove any product that has been obtained from an unapproved source.
  - b. Equip the Pepsi cooler used to store high-risk foods with a suitable refrigeration thermometer.
  - c. Service the Pepsi cooler used to store high-risk foods and ensure it can maintain temperatures at or below 4°C.
  - d. Monitor the best before dates and the integrity of all foods within the facility. Discard foods that show signs of spoilage or contamination.
  - e. Remove all re-packaged candies and open containers of baked goods. Discontinue handling open foods.
  - f. Ensure all hand sinks are equipped with soap, paper towel, and hot/cold running water.
  - g. Implement an integrated pest management program and follow the recommendations of a licensed pest control provider. Keep all records of service available for review. Monitor all foods for signs of pest damage and discard if applicable.

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- h. Conduct a deep, thorough cleaning throughout the facility. Store articles and materials not associated with the food areas separately from the food and food areas.
  - i. Repair flooring throughout the facility so it is smooth, washable, and impervious to moisture.
  - j. Repair or replace the east bathroom hand wash sink cabinet.
  - k. Repair lighting in the two-compartment sink room.
  - l. Acquire onsite garbage removal 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, June 6, 2025.

Confirmation of a verbal order issued to Filmon Assefw on June 5, 2025.

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](mailto: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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Edmonton • 107 Street Plaza • Safe Food

North Tower, 10030 107 Street NW, Edmonton, Alberta, Canada T5J 3E4

[www.ahs.ca/eph](http://www.ahs.ca/eph)