

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

**To:** Arjun Bishwokrama  
2167926 Alberta Ltd.  
“the Owner”

**RE:** The food establishment located in Edmonton, Alberta and municipally described as:  
Spice Grill  
8205 108 Street NW  
Edmonton, Alberta  
T6E 2A8

**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. There is evidence of a mouse infestation. Mouse droppings are present on food preparation surfaces, counters, and shelving units where food is being stored. There is a significant amount mouse droppings behind equipment, underneath grills, ovens, and coolers.
- b. There are multiple holes located in the walls in the facility, including a hole that was made by mice through the spray foam underneath the hand sink in the kitchen.
- c. Foods are being stored uncovered in the dry storage room, coolers, and freezers.
- d. Rotten vegetables were observed in the coolers and refrigerators. Rotten cilantro and pepper juice had spilled on other foods in the prep cooler.
- e. Soiled kitchen knives are being re-used and stored in between kitchen counters.
- f. A build-up of grease, debris and food particles are present on kitchen equipment, utensils, food storage bins.
- g. The cutting board on the cook line is visibly soiled, stained, and is no longer smooth and easy to clean.
- h. There is no approved sanitizer available in the facility. Hydrogen peroxide bathroom cleaner is being used to clean food surfaces.
- i. Soiled cleaning cloths are being stored on counters.
- j. A chemical spray bottle containing window cleaner does not have a label.
- k. Cups are being used as scoops in the flour bin. The cups are being stored directly in the flour.
- l. There is a gap underneath the front door, allowing for pest entry.
- m. There is a strong sewage odor throughout the facility, especially in the basement area where the dry storage foods are contained.
- n. Lights in the hallway storing food products have become dim and difficult to see the area.
- o. Lights in the dry storage area in basement do not have shatterproof covers.

**AND WHEREAS** such inspection disclosed that the following breaches of the Public Health Act and the Food Regulation, Alberta Regulation 31/2006, Nuisance and General Sanitation Regulation, Alberta Regulation 243/2003, and the Food Retail and Foodservices Code exist in and about the above noted premises, namely:

- a. There is evidence of a mouse infestation. Mouse droppings are present on food preparation surfaces, counters, and shelving units where food is being stored. There is a significant amount mouse droppings behind equipment, underneath grills, ovens, and coolers, which is in which is in contravention of **Section 21(1) of the Food Regulation, AR 31/2006** which states that: 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.
- b. There are multiple holes located in the walls in the facility, including a hole that was made by mice through the spray foam underneath the hand sink in the kitchen, which is in contravention of **Section 17(2) of the Food Regulation, AR 31/2006** which states that: The operator must ensure that the commercial food establishment is constructed to control the entry of pests.
- c. Foods are being stored uncovered in the dry storage room, coolers, and freezers, which is in contravention of **Sections 23 of the Food Regulation, AR 31/2006** which states that: 23(1) 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. (2) 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.
- d. Rotten vegetables were observed in the coolers and refrigerators. Rotten cilantro and pepper juice had spilled on other foods in the prep cooler, which is in contravention of **Sections 23 of the Food Regulation, AR 31/2006** which states that: 23(1) 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. (2) 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. Soiled kitchen knives are being re-used and stored in between kitchen counters, which is in contravention of **Section 28(2) of the Food Regulation, AR 31/2006** which states: 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.
- f. A build-up of grease, debris and food particles are present on kitchen equipment, utensils, food storage bins, which is in contravention of **Section 28(2) of the Food Regulation, AR 31/2006** which states: 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.

- g. The cutting board on the cook line is visibly soiled, stained, and is no longer smooth and easy to clean, which is in contravention of **Section 28(2) of the Food Regulation, AR 31/2006** which states:  
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.
- h. There is no approved sanitizer available in the facility. Hydrogen peroxide bathroom cleaner is being used to clean food surfaces, which is in contravention of **Section 28(2) of the Food Regulation, AR 31/2006** which states:  
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.
- i. Soiled cleaning cloths are being stored on counters, which is in contravention of **Section 28(2) of the Food Regulation, AR 31/2006** which states:  
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.
- j. A chemical spray bottle containing window cleaner does not have a label, which is in violation of **Section 20(1) of the Food Regulation, AR 31/2006** which states that: All chemicals, cleansers and other similar agents associated with or required for the operation or maintenance of the food areas must be stored (a) in containers that are not intended to be used to store food and that are clearly labelled to identify their contents, and (b) in such a manner as to prevent the contamination of any food or food area.
- k. Cups are being used as scoops in the flour bin. The cups are being stored directly in the flour, which is in contravention of **Section 28(2) of the Food Regulation, AR 31/2006** which states:  
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.
- l. There is a gap underneath the front door, allowing for pest entry, which is in contravention of **Section 17(2) of the Food Regulation, AR 31/2006** which states that: The operator must ensure that the commercial food establishment is constructed to control the entry of pests.
- m. There is a strong sewage odor throughout the facility, especially in the basement area where the dry storage foods are contained, which is in contravention of **Section 2(1) and 2(2) of the Nuisance and General Sanitation Regulation, AR 243/2003** which states:

2(1) No person shall create, commit or maintain a nuisance. (2) Without limiting the generality of subsection (1), a person who creates, commits or maintains (h) any building that, due to (ii) the presence in it of noxious vapours or odours arising from any drain, water closet or urinal.

- n. Lights in the hallway storing food products have become dim and difficult to see the area, which is in contravention of **Section 17(1) of the Food Regulation, AR 31/2006** which states: 17(1) An operator must ensure that, before operation of the commercial food establishment commences, the commercial food establishment: f(iii) is equipped with lighting that is adequate in intensity to enable the sanitary operation and maintenance of the food handling areas.
- o. Lights in the dry storage area in basement do not have shatterproof covers, which is in **Sections 23(2) of the Food Regulation, AR 31/2006** which states that: 23(1) 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.

**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. Work with a licensed Pest Control Company and building owner to implement and maintain an Integrated Pest Management (IPM) program within the facility to eliminate the pest infestation. Store all foods in a manner that does not allow for pest contamination. Do not allow garbage, food, or debris to accumulate in a manner that would facilitate the harborage or proliferation of pest or vermin.
  - b. Deep clean and sanitize the entire food premise including but not limited to: floor, walls, ceiling, cooking equipment, food preparation counters, cutting boards, coolers, freezers, fridges, grease traps and plumbing fixtures.
  - c. Thoroughly clean and sanitize all food storage containers and bins including their outside and lids/cover.
  - d. Ensure all foods in the facility are stored in food grade containers with tight-fitting lids to prevent pest entry.
  - e. Discard all rotten foods and any other foods that have become contaminated or unfit for human consumption.
  - f. Obtain an approved sanitizer and test strips. Ensure all food contact surfaces are sanitized using a food-grade sanitizer.
  - g. Store all used cleaning cloths in an approved sanitizer solution.
  - h. Label all chemical spray bottles to clearly identify their contents.
  - i. Obtain scoops with handles for dry storage bins.
  - j. Repair all holes on walls in the facility.
  - k. Install weatherstripping at the front door and ensure there are no gaps for pest entry.

- I. Work with building owner and other agencies as needed to address the cause and eliminate the sewage odor in the facility.
  - m. Replace dim light bulbs and ensure lighting is adequate in intensity to enable the sanitary operation and maintenance of the food handling areas.
  - n. Install shatterproof covers on the lights in the facility.
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, November 18, 2022.

Confirmation of a verbal order issued to Arjun Bishwokrama on November 17, 2022.

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 • HSBC Building • Safe Food Division

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