

ORDER OF AN EXECUTIVE OFFICER NOTICE OF CLOSURE

To: BW Developments Canada Ltd., Bhavya Khanna, Vikas Patial
"the Owners"

RE: The food establishment located in Fox Creek, Alberta and municipally described as:
B W Lounge and Dining, 206 Highway Avenue, Fox Creek AB

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. Chemical dish sanitizing agent is not connected to the machine and wastewater from the dishwashing equipment and sinks does not drain to the plumbing disposal system. As a result, facility is unable to wash dishes.
- b. Wastewater from the dishwashing equipment is leaking on to the floor.
- c. There is a leaking faucet above a mop sink in the utility closet in the kitchen.
- d. There is a cracked and broken mop sink contributing to water leaking on to the floor.
- e. There is a water damaged light fixture in the walk-in cooler resulting in the light no longer working.
- f. There are water-stained light covers for light fixtures in the kitchen area, caused by a leaking roof.
- g. There is accumulation of water under the flooring tiles in the walk-in lounge cooler.

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. Due to the absence of chemical dish sanitizing agent and the presence of a plumbing back-up, the mechanical dishwasher cannot be used, and equipment and utensils cannot be washed. This is in contravention of Section 28(3) 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."
- b. Wastewater originating from the dishwashing area is spilling on to the floor. This is in contravention of Section 2.11(b) of the Food Retail and Foodservices Code which states, "Disposal of sewage and refuse should be done in a sanitary manner that does not expose the food establishment or food products to potential contamination."
- c. A leaking faucet is in contravention of Section 28(3) of the Food Regulation 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."

- d. A cracked mop sink contributing to water on the floor is in contravention of Section 28(3) of the Food Regulation 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.”
- e. A corroded, non-working light fixture in the walk-in cooler is in contravention of Section 2.7(b) of the Food Retail and Foodservices Code which states, “Food establishments should be supplied with sufficient artificial light to ensure the safe and sanitary production of food and facilitate cleaning of the premises.”
- f. There are water stained light covers resulting from a leaking roof which is in contravention of Section 17(1) of the Food Regulation which states, “An operator must ensure that, before operation of the commercial food establishment commences, the commercial food establishment (a) is of sound construction and in a good state of repair” and Section 19 which states, “A person must not operate a commercial food establishment unless (a) all the requisite plans and specifications referred to in section 16 for the commercial food establishment have been approved by the executive officer, and (b) it is constructed and maintained in accordance with that approval.”
- g. There is water under the flooring tiles in the walk-in lounge cooler. This is in contravention of Section 2.4 of the Food Retail and Food Services Code which states, “Floors that are subject to moisture must be constructed of impervious materials, non-slip and sloped to allow for draining.”

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 Owners immediately close the above noted premises.
- 2. That the Owners immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Correct the plumbing issue that is resulting in wastewater from the dishwasher leaking on to the floor.
 - b. Clean and sanitize the area impacted by wastewater.
 - c. Fix the leaking faucet such that the tap is no longer continuously running. Until repaired, implement measures to direct the running water directly into the drain.
 - d. Replace the broken mop sink with a new one that does not leak.
 - e. Investigate and repair roof leaks and service, repair or replace the light fixture in the walk-in cooler.
 - f. Clean water-stained light covers and replace lightbulbs as necessary.
 - g. Remove tiles in walk-in lounge cooler and investigate source of water infiltration and accumulation. Repair water issue and replace flooring with something that is smooth, non-porous and easy to clean.
- 3. That until such time as the work referred to in parts “a” and “b” above is completed to the satisfaction of an Executive Officer of Alberta Health Services; the above noted premises shall remain closed.
- 4. The remaining items listed in “c – g” above must be corrected no later than November 15, 2024.

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 Whitecourt, Alberta, October 30, 2024.

Confirmation of a verbal order issued to Ekam Bajaj on October 28, 2024.

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.

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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