

ORDER OF AN EXECUTIVE OFFICER NOTICE OF CLOSURE

To: Halima Enjera, Halima Ali
"the Owner"

RE: The food establishment located in Brooks, Alberta and municipally described as:
95 McNab Park Street E Brooks, AB T1R 0K6

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 Owner / Operator attempted to prevent or delay an inspection by suggesting that the door to the basement and kitchen is locked and that she has no key to allow entry.
- b. The approved kitchen is being used for domestic use by a resident in the basement. The domestic kitchen upstairs is used to make food (enjera) to sell to the public.
- c. Signs that the kitchen is being used for domestic use include the presence of household foods, household appliances (hot plate, microwave, toaster, toaster oven, mini fridge) and cutlery, plates and dishes. Washer and dryer in the kitchen are hooked up and several laundry detergents are stored on the shelf.

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 Owner / Operator attempted to prevent or delay an inspection by suggesting that the door to the basement and kitchen is locked and that she has no key to allow entry. This is in contravention of Section 71 of the Public Health Act RSA 2000, which states: No person shall obstruct, molest, hinder or interfere with a person in the execution of any duty imposed or in the exercise of any power conferred on the person by this Act or the regulations.
- b. The approved kitchen is being used for domestic use by a resident in the basement. The domestic kitchen upstairs is used to make food (enjera) to sell to the public. This is in contravention of Section 17(1)(d) 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 has all its food handling areas separated from living quarters and from other areas where activities are carried out that are incompatible with the safe and sanitary handling of food.
- c. Signs that the kitchen is being used for domestic use include the presence of household foods, household appliances (hot plate, microwave, toaster, toaster oven, mini fridge) and cutlery, plates and dishes. Washer and dryer in the kitchen are hooked up and several

laundry detergents are stored on the shelf. This is in contravention of Section 17(1)(d) 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 has all its food handling areas separated from living quarters and from other areas where activities are carried out that are incompatible with the safe and sanitary handling of food. AND in contravention to 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.

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. Discontinue the sale of food and remove all Halima Enjera product from retail food establishments.
 - b. Remove and store away all articles and materials that are not associated with or required for the operation and maintenance of the food establishment, including household foods, household appliances, cutlery, plates, dishes, washer, dryer, and laundry detergents and chemicals.
 - c. A commitment in writing from the Owner / Operator that any food handling is only carried out in the kitchen inspected and approved by the Executive Officer.
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 Brooks, Alberta, September 24, 2018.

Confirmation of a verbal order issued to Halima Ali on September 20, 2018.

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: <http://www.health.alberta.ca/about/PHAB.html>

A Notice of Appeal form may be obtained by contacting Alberta Health Services at 780-342-0122 or by contacting the Public Health Appeal Board.

Health Legislation, Regulations and Standards

Electronic versions of the Public Health Act and Regulations are available at the Alberta Queen's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or www.qp.gov.ab.ca.

Health Legislation and regulations are available for purchase. Please contact Alberta Queen's Printer Bookstore 10611 - 98 Avenue, Main Floor, Park Plaza, Edmonton, Alberta, T5K 2P7 or www.qp.gov.ab.ca.

Copies of standards are available by contacting the Health Protection Branch of Alberta Health at 780-427-4518 or by visiting: www.health.alberta.ca/about/health-legislation.html

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Brooks • Brooks Community Health Center • Environmental Public Health
440 3rd Street East Brooks, AB, Canada T1R 1B3

www.albertahealthservices.ca/eph.asp