

ORDER OF AN EXECUTIVE OFFICER NOTICE OF CLOSURE

To: Highway 6 Developments LTD.
"the Owner"

Sergeii Klymenko
"the Owner"

RE: The pool and hot tub located in Pincher Creek, Alberta and municipally described as:
Heritage Inn Hotel and Convention Centre,
919 Waterton Avenue, Pincher Creek, AB T0K 1W0

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 anti-entrapment compliance plan for the pool and hot tub was not available at the time of the inspection. Executive Officer could not confirm if the plan adequately addressed anti-entrapment in the pool or hot tub.
- b. The pool underwater light assembly near the stairs was not secured. Part of the frame protruded about 4 inches into the basin exposing sharp edges and screws.
- c. The west suction outlet cover in the hot tub was secured with a rusty screw.
- d. Daily suction outlet checks (drain cover condition) were not filled in on the log sheet and did not indicate the rusty screw.
- e. An approximately 36 by 8-inch piece of a checker plate floor hatch in the mechanical room floor was deteriorated and gave way when stepped on.
- f. The aquatic facility had a history of water chemistry and operational problems. Every inspection since December 2023 noted violations for the pool and /or hot tub.

AND WHEREAS such inspection disclosed that the following breaches of the Public Health Act and the Nuisance and General Sanitation Regulation, Alberta Regulation 243/2003 and the Public Swimming Pools Regulation, Alberta Regulation 204/2014 and the Pool Standards there under exist in and about the above noted premises, namely:

- a. The anti-entrapment compliance plan for the pool and hot tub was not available at the time of the inspection. Executive Officer could not confirm if the plan adequately addressed anti-entrapment in the pool or hot tub. This is in contravention of Section 9.1 of the Pool Standards, July 2014 (Amended January 2018), which states: "Every owner or owner's agent, if any, must assess anti-entrapment risks, develop and implement an appropriate anti-entrapment plan to meet the requirements of this section".

- b. The pool underwater light assembly near the stairs was not secured. Part of the frame protruded about 4 inches into the basin exposing sharp edges and screws. This is in contravention of section 11(b) of the Public Swimming Pools Regulation, AR 204/2014, which states “In accordance with the Pool Standards, a pool must be maintained in a state of repair that provides for the safe and sanitary operation of the pool...”
- c. The west suction outlet cover in the hot tub was secured with a rusty screw. This is in contravention of section 11(b) of the Public Swimming Pools Regulation, AR 204/2014, which states “In accordance with the Pool Standards, a pool must be maintained in a state of repair that provides for the safe and sanitary operation of the pool...”
- d. Daily suction outlet checks (drain cover condition) were not filled in on the log sheet and did not indicate the rusty screw. This is a contravention of section 9.6.1 of the Pool Standards, July 2014 (Amended January 2018), which states “The covers of each submerged suction outlet ... shall be routinely inspected prior to opening each day and throughout the day when the public swimming pool is in use.”
- e. An approximately 36 by 8-inch piece of a checker plate floor hatch in the mechanical room floor was deteriorated and gave way when stepped on. This is a contravention of section 2(1) of the Nuisance and General Sanitation Regulation, AR 243/2003, which states “No person shall create, commit, or maintain a nuisance.”
- f. The aquatic facility had a history of water chemistry and operational problems. Every inspection since December 2023 noted violations for the pool and /or hot tub. This is a contravention of section 4(1) of the Public Swimming Pools Regulation, AR 204/2014, which states “4(1) The owner, or the owner’s agent, if any, and the pool operator must ensure that the pool is equipped, operated and maintained in compliance with (a) this Regulation, (b) [and] the written policies and plans referred to in section 24...”

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. Assess the anti-entrapment and complete the anti-entrapment plan. The plan must be complete, reviewed, and approved by Alberta Health Services. Any modifications required for full compliance must be complete for approval.
 - b. The underwater lighting must be repaired.
 - c. The suction outlet cover (drain cover) must be secured according to manufacturer’s requirements.
 - d. The daily drain checks, and daily logs must be complete and maintained.
 - e. The deteriorated floor hatch must be repaired or replaced.
 - f. Demonstrate the facility management properly and consistently incorporates plans and policies to ensure the pools are being maintained and operated in compliance with Alberta legislation.

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 Municipality of Crowsnest Pass, Alberta, April 9, 2025.

Confirmation of a verbal order issued to Steven Hey on April 7, 2025, at 12:01 pm.

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>.

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Page 4 of 4

Copies of standards are available by visiting: <https://www.alberta.ca/health-standards-and-guidelines.aspx>

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Alberta Health Services • Environmental Public Health • South Zone

PO Box 67, Blairmore, Alberta, Canada T0K 0E0

<https://www.ahs.ca/eph>