

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

**To:** Dianne Braun  
"the Owner"

**RE:** The food establishment located in Stirling, Alberta and municipally described as:  
Sweetpeas Childcare Inc., 305 4 Avenue.

**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. Operation does not have a valid Food Handling Permit.
- b. The commercial dishwasher is not working, and the operator is failing to effectively wash/sanitize dishes manually.
- c. The handwash sink is filled with dirty dishes and equipment, making it inaccessible for handwashing purposes.
- d. Counter tops, equipment, and the floor in the kitchen area are heavily cluttered. Not all items in the kitchen appear to be related to the operation of the food establishment.

**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. Operation does not have a valid Food Handling Permit, which is in contravention of Section 3(1) of the *Alberta Food Regulation (AR 31/2006)* which states "no person shall operate a food establishment unless (a) the person is an operator who holds a valid and subsisting permit for the operation of the food establishment".
- b. The commercial dishwasher is not working, and the operator is failing to effectively wash/sanitize dishes manually, which is in contravention of Section 28(2) of the *Alberta 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".
- c. The handwash sink is filled with dirty dishes and equipment, making it inaccessible for handwashing purposes, which is contravention of Section 30(4) of the *Alberta Food Regulation (AR 31/2006)*, which states "the handwashing stations... must be maintained and kept supplied".
- d. Counter tops, equipment, and the floor in the kitchen area are heavily cluttered. Not all items in the kitchen appear to be related to the operation of the food establishment, which is in contravention of Section 20(1) of the *Alberta 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”, as well as Section 28(2) of the Alberta 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”.

**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 a valid Food Handling Permit.
  - b. Ensure the facility has an operational commercial dishwasher.
  - c. Ensure the handwash sink is maintained and accessible at all times.
  - d. Ensure items unrelated to the operation of the food establishment are removed from the kitchen. Countertops, equipment, and flooring must be cleared of all items, to ensure sanitation can be maintained.
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 Lethbridge, Alberta, February 22, 2018

Confirmation of a verbal order issued to Dianne Braun on February 21, 2018.

Kristen Dykstra, CPHI(C)  
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, Telus Plaza 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: <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](http://www.qp.gov.ab.ca).

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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](http://www.health.alberta.ca/about/health-legislation.html)

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Copy South Region Child & Family Services  
Village of Stirling  
Jason Edwards

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Lethbridge • Community Health • Environmental Public Health

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[www.albertahealthservices.ca/eph.asp](http://www.albertahealthservices.ca/eph.asp)