

ORDER OF AN EXECUTIVE OFFICER NOTICE OF CLOSURE

To: Bun Queen Bakery & Deli Ltd.
"the Owner"

Mario Gonzalez
"the Director"

Jose Cortos
"the Director"

RE: The food establishment located in Calgary, Alberta and municipally described as:
Bun Queen & Deli
10-12 Castleridge Drive NE

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. Operating without a valid and subsisting food handling permit from Alberta Health Services.
- b. There was no detectable chlorine in the spray bottled labelled as sanitizer.
- c. There were miscellaneous items stored on top of food equipment (mixers, bread slicers), on food counters, on shelving above the food preparation areas, in the unused display cases, and along the walls.
- d. Large bags of bulk baking ingredients were left open in the kitchen area
- e. The person on-site could not locate sanitizer test strips for testing chlorine sanitizer solutions.
- f. The handwashing sink was blocked with items (bowls, trays, utensils) stored in the sink basin.
- g. There was no soap in the wall mounted soap dispenser beside the 3-compartment sink. The person onsite located a soap bottle beneath bowls, and other items stored in the kitchen sink basin.
- h. Mouse droppings were observed in the lower cabinets below the front service counter.
- i. There was an abundance of miscellaneous items, not used for the business, stored in various locations onsite including on top of equipment, in kitchen storage areas, along walls and inside the display food storage units.
- j. The door to the walk-in proofer was broken and could not close properly.
- k. Ceiling tiles were discolored, and the surface layer was torn.
- l. Flour residue, dust, debris, and grease were observed on baking equipment, shelves, exterior food container surfaces and floors.
- m. Old pans and containers of bulk food were stacked directly on the floor.

- n. Knives were stored on the shelf underneath a box of yeast and a cd case.
- o. The staff washroom did not have paper towel properly stored in the dispenser.
- p. There was no confirmation that Maria Gonzalez, holder of the certificate of completion for of an approved food safety training, works within and/or operates 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. Operating without a valid and subsisting food handling permit from Alberta Health Services, which is in contravention of section 3(1) (a) (b) which states that no person shall operate a food establishment unless the person is an operator who holds a valid and subsisting permit for the operation of the food establishment, and the food establishment is identified on the permit as approved by the regional health authority that issued the permit.
- b. There was no detectable chlorine in the prepared sanitizer bottle. This is in contravention of the Food Regulation AR 31/2006 section 28(2), which states that: Solutions used for sanitizing equipment and utensils in this food establishment are not appropriate or are not maintained at adequate concentrations.
- c. There were miscellaneous items stored on top of food equipment (mixers, bread slicers), on food counters, on shelving above the food preparation areas, in the unused display cases, and along the walls. This is in contravention of the Food Regulation AR 31/2006 section 23(1), which states that: food in this food establishment is not being protected from contamination during storage or handling. All food used or to be used in a commercial food establishment must be protected from contamination and handled in a sanitary manner.
- d. Large bags of bulk baking ingredients were left open in the kitchen area. This is in contravention of the Food Regulation AR 31/2006 section 23(1), which states that: bulk food containers are not constructed properly, are not provided with a lid and/or are not in proper working order. All food used or to be used in a commercial food establishment must be protected from contamination and handled in a sanitary manner.
- e. The person on-site could not locate sanitizer test strips for testing chlorine sanitizer solutions. This is in contravention of the Food Regulation AR 31/2006 section 28(1) and (2), which states that: A commercial food establishment must have all the facilities, equipment and utensils that are necessary to ensure its safe operation and maintenance and 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. The handwashing sink was blocked with items (bowls, trays, utensils) stored in the sink basin. This is in contravention of the Food Regulation AR 31/2006 section 17(1)(e) which states that: An operator must ensure that a commercial food establishment has handwashing stations, adequate in number and location, to ensure convenient access to all food handlers.

- g. There was no soap in the wall mounted soap dispenser beside the 3-compartment sink. The person onsite located a soap bottle beneath bowls, and other items stored in the kitchen sink basin. This is in contravention of the Food Regulation AR 31/2006 section 17(1)(e), which states that: an operator must ensure that a commercial food establishment has handwashing stations, adequate in number and location, to ensure convenient access to all food handlers.
- h. Mouse droppings were observed in the lower cabinets below the front service counter. This is in contravention of the Food Regulation AR 31/2006 section 21(1)(1.1)(a) that states: A commercial food establishment must be kept free of pests and of conditions that lead to the harbouring or breeding of pests. The following must be kept reasonably free of pests and of conditions that lead to the harbouring or breeding of pests: (a) any surrounding area, premises or facilities supporting a commercial food establishment, including any outdoor food handling areas of the commercial food establishment; AND 21(2) that states: A written record of all pest control measures used in the commercial food establishment and surrounding area, premises and facilities referred to in subsections (1) and (1.1) must be maintained.
- i. There was an abundance of miscellaneous items, not used for the business, stored in various locations onsite including on top of equipment, in kitchen storage areas, along walls and inside the display food storage units. This is in contravention of the Food Regulation AR 31/2006 sections 20(1), which states that: articles not associated with food processing, preparation, handling, serving, or storage are stored with food. 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 AR 243/2003 s (1) that states: No person shall create, commit or maintain a nuisance.
- j. The door to the walk-in cooler was broken and could not close properly. This is in contravention of the Food Regulation AR 31/2006 section 28(3), which states that: all equipment and utensils in a food establishment must be kept in good working order and condition and maintained in a manner that ensures the safe and sanitary handling of food.
- k. Ceiling tiles were discolored, and the surface layer was torn. This is in contravention of the Food Regulation AR 31/2006 section 17(1) and 19 which states that An operator shall ensure that a food establishment is of sound construction and in a good state of repair and is so designed as to facilitate the effective cleaning and sanitizing of it and all equipment, utensils and surfaces with which food comes into contact in it.
- l. Flour residue, dust, debris, and grease were observed on baking equipment, shelves, exterior food container surfaces and floors. This is in contravention of the Food Regulation AR 31/2006 section 28(2), which states that: 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.

- m. Old pans and containers of bulk food were stacked directly on the floor. This is in contravention of the Food Regulation AR 31/2006 section 23(1) which states that: food in this food establishment is not being protected from contamination during storage or handling. All food used or to be used in a commercial food establishment must be protected from contamination and handled in a sanitary manner.
- n. Knives were stored on the shelf underneath a box of yeast and a cd case. This is in contravention of the Food Regulation AR 31/2006 section 28(2), which state that: A commercial food establishment must have all the facilities, equipment and utensils that are necessary to ensure its safe operation and maintenance and 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.
- o. The staff washroom did not have paper towel properly stored in the dispenser. This is in contravention of the Food Regulation AR 31/2006 section 28(2) which states: washrooms in a commercial food establishment must be maintained in a clean and sanitary condition.
- p. There was no confirmation that Maria Gonzalez, holder of the certificate of completion for an approved food safety training, works within and/or operates the food establishment. This is in contravention of the Food Regulation AR 31/2006 section 31(1) which states that: A person operating a commercial food establishment must, at any time when there are 5 or fewer food handlers working on the premises, ensure that at least one individual who has care and control of the commercial food establishment holds a certificate issued by the Minister confirming that individual's successful completion of a food sanitation and hygiene training program or a document that the Minister considers equivalent to such a certificate.

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 from Alberta Health Services.
 - b. Ensure a proper sanitizer solution is prepared daily and used regularly for the sanitizing of food contact surfaces throughout the facility.
 - c. Obtain and use chlorine chemical test strips for checking the sanitizer concentration for appropriate chlorine concentration.
 - d. Remove miscellaneous items that are stored in the kitchen. Ensure miscellaneous items (letters, stationary, non-food related items) are stored separately away from the food storage and handling areas.

- e. Cover food products properly, any opened bags of foods should be stored properly in a durable, pest-proof container.
 - f. Remove items stored in the handwashing sink. Do not store any items in the sink basin. This sink is designated for handwashing only and must be accessible at all times.
 - g. Ensure soap is stored in a dispenser that is easily accessible for use.
 - h. Clean and sanitize areas where mouse droppings were present. Retain the services of professional pest control operator to assess and treat the premise to eliminate pest activity. Provide pest control reports from the professional pest control company to an Alberta Health Services, Public Health Inspector.
 - i. Declutter and remove items not related to the business from the premise.
 - j. Repair the door for the walk-in proofer.
 - k. Replace discolored and torn ceiling tiles.
 - l. Thoroughly clean and sanitize all surfaces, items and equipment throughout the food establishment including but not limited to: baking equipment, the microwave, food containers, floors, ceiling, shelving units, the mixer, and staff washroom surfaces.
 - m. Keep all food containers and baking trays/pans stored at least 6 inches off the floor surfaces.
 - n. Keep knives stored in a clean, sanitary manner (e.g., knife strip or clean container).
 - o. Keep the washroom handwashing supplies stored in the appropriate dispensers
 - p. Provide proof of food safe certification OR ensure the person in care and control of the food establishment completes an approved food certification course.
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 Calgary, Alberta, September 17, 2021

Confirmation of a verbal order issued to Yesini on September 15, 2021.

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 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: <https://www.alberta.ca/health-standards-and-guidelines.aspx>

Copy: City of Calgary Business Licensing