

ORDER OF AN EXECUTIVE OFFICER NOTICE OF CLOSURE

To: Omar Jivraj
"the Owner"

Melissa Velasquez-Jivraj
"the Owner"

Ana Moreno
"the Operator"

RE: The food establishment located in Calgary, Alberta and municipally described as:
3816 Brooklyn Crescent NW

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 home-based food business was operating without a valid and subsisting food handling permit from Alberta Health Services.
- b. There was no designated kitchen for business use. Food was prepared in a personal kitchen. Food equipment and supplies were stored with no physical separation from personal living quarters.
- c. Food preparation surfaces were cleaned with a vinegar solution only.
- d. Mouse droppings were observed in the garage where food was being stored.
- e. There was a gap under the garage door and the garage walk through door.
- f. The garage was cluttered.
- g. There was no evidence of food safety certification.
- h. The kitchen did not have an approved ventilation system for grease producing cooking.
- i. Sanitizer test strips were not available.

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 home-based food business was 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 designated kitchen for business use. Food was prepared in a personal kitchen. Food equipment and supplies were stored with no physical separation from personal living quarters. This is in contravention of the Food Regulation AR 31/2006, section 23 (1) (a) and (b), which states that: All food used or to be used in a commercial food establishment must be protected from contamination and handled in a sanitary manner.
- c. Food preparation surfaces were cleaned with a vinegar solution only. 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.
- d. Mouse droppings were observed in the garage where food was being stored. This is in contravention of the Food Regulation AR 31/2006, section 21 (1), which states that: Subject to subsection (1.1), a commercial food establishment must be kept free of pests and of conditions that lead to harbouring or breeding of pests.
- e. There was a gap under the garage door and the garage walk through door. This is in contravention of the Food Regulation AR 31.2006, section 21 (1), which states that: The commercial food establishment and any surrounding area, premises or facilities supporting the commercial food establishment must be kept free of pests and of conditions that lead to the harbouring or breeding of pests.
- f. The garage was cluttered. This is in contravention of the Food Regulation AR 31/2006, section 28 (3) (b): All equipment and utensils in a commercial food establishment must be maintained in a manner that ensures the safe and sanitary handling of food.
- g. There was no evidence of food safety certification. 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.
- h. The kitchen did not have an approved ventilation system for grease producing cooking. This is in contravention of the Food Regulation AR 31/2006, section 17 (1) (f) (iv), which

states that: An operator must ensure that, before operation of the commercial food establishment commences, the commercial food establishment is equipped with a properly operating means of providing ventilation to food handling areas that are subject to the generation or accumulation of odours, fumes, steam, vapours, smoke or excessive heat.

- i. Sanitizer test strips were not available. This is in contravention of the Food Regulation AR 31/2006, section 28 (1), 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 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. Cease all food production for the business and remove all sales platforms including online.
 - b. Confirm with Calgary Municipal Zoning and Bylaw to ensure that the proposed business activity is allowed at this location.
 - c. Submit a plan for approval to Alberta Health Services, Environmental Public Health with a layout of the kitchen and all food and equipment storage areas separate from the domestic household kitchen and storage areas.
 - d. Contact Alberta Health Services, Environmental Public Health to schedule an approval inspection before operating the business. The following must be complied with as part of the approval inspection:
 - e. Sanitize food contact surfaces/ equipment and utensils with an approved sanitizer solution (i.e., 100 ppm chlorine or 200ppm QUATs).
 - f. Provide test strips for measuring the sanitizer concentration.
 - g. Remove mouse droppings safely, seal all possible exterior pest entry points such as gaps under the doors and remove clutter from the garage.
 - h. Successfully complete an approved food safety course and provide documentation of completion to an Alberta Health Services, Public Health Inspector.
 - i. Install a ventilation system that meets HVAC requirements for commercial use – Refer to Calgary Fire Safety Codes for requirements.

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, March 22, 2022

Confirmation of a verbal order issued to Ana Moreno on March 17, 2022.

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>

Calgary • Southport • Environmental Public Health
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www.albertahealthservices.ca/eph.asp