

ORDER OF AN EXECUTIVE OFFICER NOTICE OF CLOSURE

To: Bon Appetit Restaurant Ltd., &
Haifa Chehade, &
Karim Chehade, &
Mohammad Haneef, &
Omair Haneef
“the Owners”

RE: The food establishment located in Legal, Alberta and municipally described as:
Bon Appetit Restaurant, 4727 50 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. There are no means of performing dishwashing as all three dishwashing sinks are clogged. A shop vacuum is noted in the facility to clean the plumbing lines.
- b. Black spots are present in the middle dishwashing sink indicates pitting.
- c. A sanitizing solution is not present in the facility.
- d. Debris buildup is present on hard-to-reach surfaces of the meat slicer.
- e. Raw chicken wings are stored on top of ready-to-eat food items (cheese, produce and sauces).
- f. A mattress is present in the food preparation and storage area which is being used for sleeping purposes.
- g. The soap dispenser of the front hand washing sink is not in operational state.
- h. Soiled cleaning cloths are being stored on food preparation counters and storage areas.
- i. Nonfood related items such as tools are stored with food and food related items.
- j. General cleaning is required in the facility. Grease buildup is present on ventilation hood and sides of deep fryers. Debris is present on the floor of the walk-in-cooler.
- k. Nonfood grade bags are being used to store food items.
- l. The finish of dry storage shelving unit is deteriorating. Cardboards boxes are being used to cover the deterioration.
- m. A garbage bag is being used to cover wall surface located between the deep fryer and back door.
- n. Pizza dough utensils such as aerator are being stored in a cardboard container along with a soiled menu, a pen, and papers.
- o. Pizza pans are not being stored in satisfactory manner. Pizza pans are being stored on top of a bucket. A dustpan with a brush is noted to be stored on top of pizza pans.
- p. Hard ice cream scoop is not being stored in a satisfactory manner. Ice cream scoop is stored in a container of water. A dipper well is not present in the facility.

- q. Food items are stored on the floor in the walk-in-cooler.

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. There are no means of performing dishwashing as all three dishwashing sinks are clogged. A shop vacuum is noted in the facility to clean the plumbing lines. This is in contravention of Section 17 (1) (a) (b) of the **Food Regulation, AR 31/2006**, which states, ***“An operator must ensure that , before operation of the commercial food establishment commences, (a) the commercial food establishment is of sound construction and in a good state of repair, (b) is designed so as to facilitate the effective cleaning and sanitizing of it and of all equipment , utensils and surfaces with which food comes into contact in it”***.
- b. Black spots are present in the middle dishwashing sink indicates pitting. This is in contravention of **Section 17 (1) (a) (b)** of the **Food Regulation, AR 31/2006**, which states, ***“An operator must ensure that, before operation of the commercial food establishment commences, (a) the commercial food establishment is of sound construction and in a good state of repair (b) is designed so as to facilitate the effective cleaning and sanitizing of it and of all equipment , utensils and surfaces with which food comes into contact in it”***.
- c. A sanitizing solution is not present in the facility. This is in contravention of **Section 28 (2)** of the **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”***.
- d. Debris buildup is present on hard-to-reach surfaces of the meat slicer. This is in contravention of **Section 28 (2)** of the **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”***.
- e. Raw chicken wings are stored on top of ready-to-eat food items (cheese, produce and sauces). This is in contravention of **Section 23 (1)** of the **Food Regulation AR 31/2006**, which states, ***“All food used or to be used in a commercial food establishment must be (a) protected from contamination, and (b) handled in a sanitary manner”***.
- f. A mattress is present in the food preparation and storage area which is being used for sleeping purposes. 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”***.
- g. The soap dispenser of the front hand washing sink is not in operational state. This is in contravention of **Section 30 (4)** of the **Food Regulation AR 31/2006**, which states, ***“The handwashing stations referred to in section 17(1)(e) must be maintained and kept supplied”***.
- h. Soiled cleaning cloths are being stored on food preparation counters and storage areas. This is in contravention of **Section 28 (2)** of the **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**”.

- i. Nonfood related items such as tools are stored with food and food related items. This is in contravention of **Section 23 (1)** of the **Food Regulation AR 31/2006**, which states, “
- j. General cleaning is required in the facility. Grease buildup is present on ventilation hood and sides of deep fryers. Debris is present on the floor of the walk-in-cooler. This is in contravention of **Section 23 (1)** of the **Food Regulation AR 31/2006**, which states, “
- k. Nonfood grade bags are being used to store food items. This is in contravention of **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**”.
- l. The finish of dry storage shelving unit is deteriorating. Cardboards boxes are being used to cover the deterioration. This is in contravention of **Section 17 (1) (a) (b)** 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 (a) is of sound construction and in a good state of repair, (b) is designed so as to facilitate the effective cleaning and sanitizing of it and of all equipment, utensils and surfaces with which food comes into contact in it**” and **Section 28 (3)** of the **Food Regulation AR 31/2006**, which states, “**All equipment and utensils in a commercial food establishment must be (a) kept in good working order and condition, and (b) maintained in a manner that ensures the safe and sanitary handling of food**” and **Section 19 (b)** of the **Food Regulation AR 31/2006**, which states, “**A person must not operate a commercial food establishment unless it is constructed and maintained in accordance with that approval**”.
- m. A garbage bag is being used to cover wall surface located between the deep fryer and back door. This is in contravention of **Section 17 (1) (a) (b)** 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 (a) is of sound construction and in a good state of repair, (b) is designed so as to facilitate the effective cleaning and sanitizing of it and of all equipment, utensils and surfaces with which food comes into contact in it**” and **Section 19 (b)** of the **Food Regulation AR 31/2006**, which states, “**A person must not operate a commercial food establishment unless it is constructed and maintained in accordance with that approval**”.
- n. Pizza dough utensils such as aerator are being stored in a cardboard container along with a soiled menu, a pen, and papers. This is in contravention of **Section 28 (3)** of the **Food Regulation AR 31/2006**, which states, “**All equipment and utensils in a commercial food establishment must be (a) kept in good working order and condition, and (b) maintained in a manner that ensures the safe and sanitary handling of food**”.
- o. Pizza pans are not being stored in satisfactory manner. Pizza pans are being stored on top of a bucket. A dustpan with a brush is noted to be stored on top of pizza pans. This is in contravention of **Section 28 (3)** of the **Food Regulation AR 31/2006**, which states, “**All equipment and utensils in a commercial food establishment must be (a) kept in good working order and condition, and (b) maintained in a manner that ensures the safe and sanitary handling of food**”.

- p. Hard ice cream scoop is not being stored in a satisfactory manner. Ice cream scoop is stored in a container of water. A dipper well is not present in the facility. This is in contravention of **Section 28 (1)** of the **Food Regulation AR 31/2006**, which states, “**A commercial food establishment must have all the facilities, equipment and utensils that are necessary to ensure its safe operation and maintenance**”.
- q. Food items are stored on the floor in the walk-in-cooler. This is in contravention of **Section 23 (1)** of the **Food Regulation AR 31/2006**, which states, “**All food used or to be used in a commercial food establishment must be (a) protected from contamination, and (b) handled in a sanitary manner**”.

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 Owners immediately close the above noted premises.
- 2. That the Owners immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. Contact a licensed plumber and unclog the plumbing lines. A copy of the invoice must be submitted to local environmental public health office.
 - b. The middle dishwashing sink must be repaired or replaced so it is smooth, durable and is impervious to moisture. The sink must be made of non-corrodible metal.
 - c. One of the approved sanitizing solutions (a chlorine solution at 100 ppm, a quaternary ammonium solution at 200 ppm or an iodine solution maintained between 12.5 – 25 ppm) must be always present in the facility.
 - d. The meat slicer must be dismantled to achieve proper cleaning and sanitizing level. A brush must be used to clean and sanitize hard-to-reach surfaces. The meat slicer must be kept always cleaned.
 - e. Raw meat must be stored either on the bottom shelf or in a designated area located away from ready-to-eat food items. Raw meat must not be stored on top of ready-to-eat food items.
 - f. A commercial food establishment must not be used for sleeping purposes. The mattress must be removed from the facility.
 - g. The soap dispenser must be repaired or replaced and maintained in operational state.
 - h. All cleaning cloths must always be stored in an approved sanitizing solution.
 - i. Nonfood related items must be stored away from food related items. An area must be designated to store nonfood related items.
 - j. The facility must be cleaned thoroughly.
 - k. Nonfood grade bags must not be used to store food items.
 - l. The shelving units must be repaired and maintained in a smooth, easy-to-clean and moisture resistant state.
 - m. The wall surface must be repaired and maintained in a smooth, easy-to-clean and moisture resistant state.
 - n. Pizza aerator must be stored properly in a washable and reusable container with tight fitting lid. The pizza aerator and all other utensils must be washed and sanitized every four hours when in continuous use.

- o. Pizza pans must be stored in a manner that protects them from contamination. All these utensils must be washed and sanitized every four hours when in continuous use.
 - p. A dipper well must be installed, or the hard ice cream must be removed from the menu.
 - q. All food items must be stored at least six inches or 15 cm above the floor to protect food items from contamination as well to facilitate cleaning.
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 St. Albert, Alberta, July 19, 2024

Confirmation of a verbal order issued to Mohammad Haneef on July 17, 2024.

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>.

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

St. Albert • St. Albert Public Health Centre • Environmental Public Health

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www.ahs.ca/eph