

ORDER OF AN EXECUTIVE OFFICER

To: Cineplex Entertainment LP
Ryan Borromeo
Dawn Czuroski
“the Owner”

RE: The food establishment located in Edmonton, Alberta and municipally described as:
Cineplex Odeon South Edmonton Cinemas, 1525 99 Street NW, Edmonton, Alberta,
T6N 1K5.

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. No ready-made sanitizer was located within easy access inside the “Outtakes” concession. Food preparation surfaces were dirty and not observed to be sanitized before food preparation.
- b. Utensils and equipment, located in storage rooms and non-operational concessions - were being stored in an unsanitary manner, that may provide food for pests. Take-out containers, paper fry cups, beverage cups, etc. were stored on grime and food debris laden shelves that contained mouse fecal matter.
- c. Food equipment in use throughout was in poor sanitary condition with an accumulation of dirt, grime, and food debris, which includes but is not limited to;
 - On the doors to walk in cooler and freezer, walk in cooler floors, shelving in open food processing areas, all food equipment and high-touch surfaces located within the “Outtakes” hotdog/pizza kiosk, and all platform storage (grey plastic platforms used in storage and food areas).
 - Ventilation filters and chimneys for the popcorn machines, some of which appeared to show signs of burning oil; fans for coolers, pizza machines, toasters, etc.
 - The counters behind the counter-top machines in the main concession and in hard-to-reach areas of the concession.
- d. Areas throughout the facility exhibited poor sanitation with an accumulation of dirt, grime, and food debris, which includes but is not limited to;
 - On floors under equipment, along edges, and hard-to-reach areas in food processing and storage areas.
 - On the walls near food preparation areas of “Outtakes” and above the main concession on menu boards, menu supports, and the upper walls.
 - On the floors in the food storage rooms, the external storage rooms, the theaters among seating, under screen staging, and throughout closed concessions.
 - The cubbies that housed garbage in each theater.

- e. Structural surfaces in main concession/kiosk were in disrepair: including countertops, edges of cupboards and doors (missing laminate). Cabinet holes were repaired with spray foam and fans/filters/motors require cleaning and sanitizing.
- f. Duct tape and spray foam was found used on surfaces within food facilities (walls, floors, etc.) creating surfaces that were not smooth, cleanable, and nonabsorbent. Evidence of mouse activity was observed on areas with spray foam such as chewing and/or nesting. A hole or gaping opening into the wall was identified under the dishwashing sinks repaired with duct tape that was not smooth, cleanable, non-absorbent, and/or durable. The wall behind the ice machine had a mouse hole and was also water damaged from the leak under the ice machine.
- g. Baseboards were missing and/or damaged and/or inadequate in several theaters, customer areas, and storage areas providing access of pests into walls. Other mouse holes were identified in many areas of the facility leaving walls damaged or in disrepair.
- h. Weatherstripping was missing, in poor repair, and/or inadequate to prevent the entry of mice and other pests to external doors.
- i. Plumbing in food areas such as the ice machine, the cleaning sinks, etc. were actively leaking water.
- j. Evidence of mice were identified from observing fecal matter, urine, holes, and mice caught in traps and in all areas that included but were not limited to: under screens, in the seating areas, main carpeted corridors, all food areas, all concessions, all storage areas and many of the back private hallways, behind and within the gaming area, and utility rooms.
- k. No written pest control reports for monitoring were available upon request.
- l. No cleaning schedule was 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. No ready-made sanitizer was located within easy access inside the "Outtakes" concession. Food preparation surfaces were dirty and not observed to be sanitized before food preparation; which is in contravention of **Section 28(2)** of the **Food Regulation, AR 31/2006**, which states that: **28(2)** 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.
- b. Utensils and equipment, located in storage rooms and non-operational concessions, were being stored in an unsanitary manner, that may provide food for pests. Take out containers, paper fry cups, beverage cups, etc. were stored on grime and food debris laden shelves that contained mouse fecal matter; which is in contravention of **Section 28(2), and 28(3) of the Food Regulation, AR 31/2006**, which states that: **28(2)** 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. **28(3)** 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.

- c. Food equipment in use throughout was in poor sanitary condition with an accumulation of dirt, grime, and food debris, which includes but is not limited to; on the doors to walk in cooler and freezer, walk in cooler floors, shelving in open food processing areas, all food equipment and high-touch surfaces located within the "Outtakes" hotdog/pizza kiosk, and all platform storage (grey plastic platforms used in storage and food areas); ventilation filters and chimneys for the popcorn machines, some of which appeared to show signs of burning oil; fans for coolers, pizza machines, toasters, etc.; the counters behind the counter-top machines in the main concession and in hard-to-reach areas of the concession; which is in contravention of **Section 28(2) of the Food Regulation, AR 31/2006**, which states that: **28(2)** 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. Areas throughout the facility exhibited poor sanitation with an accumulation of dirt, grime, and food debris, which includes but is not limited to; On floors under equipment, along edges, and hard to reach areas in food processing and storage areas; on the walls near food preparation areas of "Outtakes" and above the main concession on menu boards, menu supports, and the upper walls; on the floors in the food storage rooms, the external storage rooms, the theaters among seating, under screen staging, and throughout closed concessions; the cubbies that housed garbage in each theater; which is in contravention of **Section 28(2) of the Food Regulation, AR 31/2006**, which states that: **28(2)** 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. Structural surfaces in main concession/kiosk were in disrepair: including countertops, edges of cupboards and doors (missing laminate). Cabinet holes were repaired with spray foam and fans/filters/motors require cleaning and sanitizing; which is in contravention of **Section 28(3) of the Food Regulation, AR 31/2006**, which states that: **28(3)** 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. It is also in contravention of **Sections 17 and 19 of the Food Regulation, AR 31/2006**, which states that: **17(1)** 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, **17(2)** Subject to subsection (2.1), the operator must ensure that the commercial food establishment is constructed to control the entry of pests **AND 19)** A person must not operate a commercial food establishment unless (a) all the requisite plans and specifications referred to in section 16 for the commercial food establishment have been approved by the executive officer, and **(b)** it is constructed and maintained in accordance with that approval. It is also in contravention of **Section 18 of the Food Regulation, AR 31/2006**, which states that **(18)**

An operator must ensure that **(a)** all equipment and utensils used in the commercial food establishment and all surfaces in it with which food comes into contact are entirely constructed or manufactured from materials that are suitable for their intended purpose, durable, easily cleanable and free from any undesirable substance.

- f. Duct tape and spray foam was found used on surfaces within food facilities (walls, floors, etc.) creating surfaces that are not smooth, cleanable, and nonabsorbent. Evidence of mouse activity was observed on areas with spray foam such as chewing and/or nesting. A hole or gaping opening into the wall was identified under the dishwashing sinks repaired with duct tape and was not smooth, cleanable, non-absorbent, and/or durable. The wall behind the ice machine has a mouse hole and was also water damaged from the leak under the ice machine; which is in contravention of **Section 17 and 19 of the Food Regulation, AR 31/2006**, which states that: **17(1)** 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, **17(2)** Subject to subsection (2.1), the operator must ensure that the commercial food establishment is constructed to control the entry of pests AND **19)** A person must not operate a commercial food establishment unless **(a)** all the requisite plans and specifications referred to in section 16 for the commercial food establishment have been approved by the executive officer, and **(b)** it is constructed and maintained in accordance with that approval.
- g. Baseboards were missing and/or damaged and/or inadequate in several theaters, customer areas, and storage areas providing access of pests into walls. Other mouse holes were identified in many areas of the facility leaving walls damaged or in disrepair; which is in contravention of **Section 17 and 19 of the Food Regulation, AR 31/2006**, which states that: **17(1)** 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, **17(2)** Subject to subsection (2.1), the operator must ensure that the commercial food establishment is constructed to control the entry of pests AND **19)** A person must not operate a commercial food establishment unless **(a)** all the requisite plans and specifications referred to in section 16 for the commercial food establishment have been approved by the executive officer, and **(b)** it is constructed and maintained in accordance with that approval. It is also in contravention of **Section 21 of the Food Regulation, AR 31/2006**, which states that: **21(1)** Subject to subsection (1.1), a commercial food establishment must be kept free of pests and of conditions that lead to the harbouring or breeding of pests. (1.1) 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.
- h. Weatherstripping was missing, in poor repair, and/or inadequate to prevent the entry of mice and other pests to external doors; which is in contravention of **Section 17 of the Food Regulation, AR 31/2006**, which states that: **17(1)** 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, **17(2)** Subject to

subsection (2.1), the operator must ensure that the commercial food establishment is constructed to control the entry of pests.

- i. Plumbing in food areas such as the ice machine, the cleaning sinks, etc. were actively leaking water; which is in contravention of **Section 17(1)/1(a) and Section 17(1)(f)** and also **Section 20(1) of the Food Regulation, AR 31/2006**, which states that: **17(1)** 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, **17(1)(f)** is **(i)** supplied with hot and cold running water that is safe for human consumption and available in quantities sufficient to meet the needs of the commercial food establishment, **(ii)** connected to a lawful and properly operating sewage disposal system.
- j. Evidence of mice were identified from observing fecal matter, urine, holes, and mice caught in traps and in all areas that included but were not limited to: under screens, in the seating areas, main carpeted corridors, all food areas, all concessions, all storage areas and many of the back private hallways, behind and within the gaming area, and utility rooms; which is in contravention of **Section 21(1) of the Food Regulation, AR 31/2006**, which states that: **21(1)** Subject to subsection (1.1), a commercial food establishment must be kept free of pests and of conditions that lead to the harbouring or breeding of pests. (1.1) 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.
- k. No written pest control reports for monitoring were available upon request; which is in contravention of **Section 21(2) of the Food Regulation, AR 31/2006**, which states that: **21(2)** 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.
- l. No written cleaning schedule was not adequate and/or the staff are not trained in using the written cleaning schedule and/or the written cleaning schedule was no longer in use; which is in contravention of **Section 29(1) and 29(2) of the Food Regulation, AR 31/2006**, which states that: **29(1)** A commercial food establishment must have written procedures designed to ensure its safe and sanitary operation and maintenance. **29(2)** The procedures must include **(a)** the cleaning and sanitizing requirements for the commercial food establishment and for all equipment and utensils in it, if any, that are not normally washed in a dishwasher.

NOW THEREFORE, I hereby **ORDER** and **DIRECT**:

1. That the Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:

- a. Consult OH&S to ensure all OH&S requirements regarding PPE and health hazards associated with cleaning up of mice droppings are adhered to (e.g. wetting down of areas contaminated with mouse droppings with disinfectant prior to any cleaning taking place).
- b. Discard/dispose of any foods that are contaminated by mouse contamination and/or have been chewed on by mice. Discard any single-use disposable customer food and beverage containers/utensils have been contaminated by mice or were stored in an unsanitary manner.
- c. Keep wet, used cleaning cloths in an approved food-grade sanitizer when not in use. Ensure that the container used to house the sanitizer is maintained in a clean and sanitary condition and the solution is changed as often as needed to ensure adequate concentration. Test the concentration using chemical appropriate testing equipment regularly to ensure that the sanitizer concentration is adequate. Use on contaminated surfaces and in the customer areas often. Sanitize food contact surfaces at the beginning of the day in food preparation areas. Ensure that the Guidelines for the use of Wiping Cloths is followed: <https://www.albertahealthservices.ca/assets/wf/eph/wf-eh-guidelines-wiping-cloths.pdf>
- d. Clean, disinfect, and maintain all food equipment such as but not limited to: utensils, dishware, containers and lids, all small motorized food equipment (inside and out), all tables/counters, all food storage shelving, exterior and interiors of all cold holding units (coolers, freezers, doors), cupboards and ventilation on food equipment. Remove all contamination by pests from all food and beverage areas. Ensure that all food equipment is maintained in a clean and sanitary condition when in use. Ensure that all food equipment is maintained in a clean and sanitary condition within all additional storage areas whether it is near the concessions or other storage areas located within the complex. Ensure that utensils and foods are stored in a sanitary manner.
- e. Clean, disinfect, and maintain the floors, walls, shelving, and ceilings, of the food preparation areas, the back hallways, the food storage rooms, theater garbage cupboards, customer foyers and hallways, external storage rooms, all theaters, play structures and arcade. Ensure that the overall facility is maintained in a clean and sanitary condition and free of any pest contamination.
- f. Cease and desist the use of duct tape and spray foam from any food preparation or food storage area. Remove/repair/replace all broken, damaged, or otherwise unsuitable equipment, cutting boards, utensils, bins, tables, cupboards, counters, or containers from the food areas. Do not use duct tape or tape or spray foam or string to repair food equipment. Ensure that food equipment is in good working condition and state of repair that facilitates proper cleaning and sanitation.
- g. Cease and desist the use of duct tape and spray foam from walls and floors which may contribute to the ongoing pest infestation. Remove/refinish/repair the walls, shelves, and floors that are in disrepair. Ensure all structural surfaces within a food preparation and food storage area are constructed in a manner that is smooth, cleanable, nonabsorbent, and durable. Ensure all walls, floors, shelving, and ceiling surfaces are of sound construction and in a good state of repair – and 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.

- h. Fill any/all cracks, holes, gaps, and other areas of pest harborage. Properly repair the holes on the walls and the missing baseboards. Ensure all surfaces in the food facility are in good repair and in a condition that renders them easy to clean, and in a condition that does not allow the harborage of mice and other pests. Ensure all surfaces in public areas and external areas such as hallways and theaters and storage rooms are in good repair and do not allow the harborage of mice and other pests. Conduct any other repairs identified by the pest control company to aid in the abatement of presence of pests.
- i. Install tight fitting weatherstripping on all exterior doors and maintain them in good condition and construct them in a manner that prevents the entry of vermin or pests. Recommend that weatherstripping also be installed on fire exit doors within theater to prevent pests.
- j. Repair the leaking plumbing or other sources of leaks from the sinks, faucets, ice machine, and/or dishwashing sinks. Repair the indicated defects in the plumbing, drains, and/or sanitary drainage systems. Such systems include drains, fixtures, stacks, traps, and vents. Ensure that plumbing and drainage systems are maintained in compliance with the Alberta Plumbing Code and any other associated regulations. Ensure that all plumbing is maintained in good working condition.
- k. Implement a program of integrated pest management in partnership with the pest control company within the facility to eliminate/prevent pests. Ensure that appropriate pest control devices are properly placed to eliminate/prevent pests.
- l. Ensure that pest control records are available upon request.
- m. Implement and ensure your written sanitation program facilitates the proper cleaning of all areas and all food equipment of the food establishment. Maintain the sanitation program to reflect the cleaning practices in the facility. Train the staff to use and implement the written sanitation program.

2. The work referred to in paragraph 1 shall be completed by:

- a. Items a,b,c,d, by March 12/24.
- b. Items g,h,j,k,l by March 22/24.
- c. Items e,f by March 25/24.

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 Edmonton, Alberta, March 12, 2024

Confirmation of a verbal order issued to Ryan Borromeo and Dawn Czuroski on March 8, 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>

Template revised October 13, 2022

Order of an Executive Officer

RE: The Food Establishment located in Edmonton, Alberta and municipally described as: 1525 99 Street NW, Alberta, T6N 1K5.

Page 9 of 9

Edmonton • Environmental Health • Safe Food Division

Suite 700, 10055 106 Street, Edmonton, Alberta, T5J 2Y2

www.albertahealthservices.ca/eph.asp