

ORDER OF AN EXECUTIVE OFFICER NOTICE OF CLOSURE

To: **Chubby Fairview Foods Ltd.**
"the Owner"

&

Gavin Yeoman
"the Operator"

RE: The food establishment located in Fairview, Alberta and municipally described as:

A&W 1717
10015 – 110 Avenue, Fairview Alberta T0H 1L0

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 walk-in-cooler is not in good repair and maintaining a temperature of 22 Deg C. High risk and perishable food items under refrigeration not being maintained at or below 4 Deg C.
- b. Food that is unfit for human consumption due to temperature abuse is being stored, processed, and served to the public for human consumption.
- c. The sewer was backing up inside the kitchen from in floor grease interceptor.

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 a food premises with the walk-in-cooler not maintaining a temperature at or below 4 Deg C, is in contravention of Section 18(b)(ii) which states that "*An operator must ensure that all refrigeration and hot holding equipment used in the commercial food establishment is capable of maintaining the respective temperatures required by section 25*"
- b. Operating a food premises with the walk-in-cooler not maintaining a temperature at or below 4 Deg C, is in contravention of Section 25(1)(a) which states that "*All high-risk food must be stored, displayed and transported at a temperature of not more than 4°C or such higher temperature*"
- c. Serving food that is unfit for human consumption due to temperature abuse is in contravention of Section 23(2) which states that "*Subject to any procedure involved in disposing of it that is*

otherwise in accordance with the law, food that has become contaminated or otherwise unfit for human consumption must not be served, offered for sale, processed, packaged, displayed or stored for human consumption”

- d. Operating a food premises with sewer backing up, is in contravention of Section 17(1)(f)(ii) which states that *“An operator must ensure that, before operation of the commercial food establishment commences, the commercial food establishment is connected to a lawful and properly operating sewage disposal system”*
- e. Operating a food premises with sewer backing up, is in contravention of Section 23(1)(a)(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”*

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. Repair the walk-in-cooler and ensure it maintains a temperature at or below 4 Deg C.
 - b. Ensure all high risk and perishable food items stored inside the walk-in-cooler that has been temperature abused are discarded.
 - c. Identify the cause of the backup and make necessary repairs.
 - d. Thoroughly clean and sanitize the floors and areas that was contaminated by the sewer backup.
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 Grande Prairie, Alberta, July 9, 2024.

Confirmation of a verbal order issued to Simran Kaur on July 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>

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