

ORDER OF AN EXECUTIVE OFFICER NOTICE OF CLOSURE

To: Bieu T&T Vietnamese Restaurant Inc. and Bieu Nie
“the Owners”

RE: The food establishment located in High Level, Alberta and municipally described as:
Bieu T&T Vietnamese Restaurant, 10014 97 Street.

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 is no hot water supplied to the premises.
- b. Food is unprotected during storage and stored in a manner that increases cross contamination risk.
- c. The dishwasher is not functional and improper methods were used for washing dishes.
- d. Hand wash stations were not equipped with liquid soap in a pump style dispenser and the paper towel dispenser was empty.
- e. There is a gap in the exterior door which can allow pests to enter.
- f. There is evidence of water damage on the ceiling above the grill and other areas of the kitchen.
- g. General sanitation is lacking in several areas, such as the prep table next to the grill, the stand alone freezer and equipment surfaces.
- h. There is an accumulation of recycling near the server station.
- i. The operator could not show documentation that any food handler had approved food safety training credentials.
- j. An outdoor propane burner is used within the facility with a propane tank attached.

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 is no hot water supplied to the premises which is in contravention of section 17(1)(f)(i) of the Food Regulation AR 31/2006 which states that an operator must ensure that the commercial food establishment is supplied with hot and cold running water that is safe for human consumption and available in quantities sufficient to meet the needs of the food establishment.
- b. Food is unprotected during storage and stored in a manner that increases cross contamination risk which is in contravention of section 2(3) & 24 of the Food Regulation AR 31/2006 which states that all food handling in a commercial food establishment must be done in a manner that makes the food safe to eat.

- c. The dishwasher is not functional and improper methods were used for washing dishes which is in contravention of section 28(2) of the Food Regulation AR 31/2006 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. Hand wash stations were not equipped with liquid soap in a pump style dispenser and the paper towel dispenser was empty which is in contravention of section 30(4) of the Food Regulation AR 31/2006 which states that hand sinks must be maintained and kept supplied.
- e. There is a gap in the exterior door which can allow pests to enter which is in contravention of section 17(2) of the Food Regulation AR 31/2006 which states that the operator must ensure that the commercial food establishment is constructed to prevent the entry of pests.
- f. There is evidence of water damage on the ceiling above the grill and other areas of the kitchen which is in contravention of section 17(1) & 19 of the Food Regulation AR 31/2006 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.
- g. General sanitation is lacking in several areas, such as the prep table next to the grill, the stand alone freezer and equipment surfaces which is in contravention of section 28(2) of the Food Regulation AR 31/2006 which states that a commercial food establishment, all equipment and utensils in it and all surfaces in it in 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.
- h. The operator could not show documentation that any food handler had approved food safety training credentials which is in contravention of section 31 of the Food Regulation AR 31/2006 which states that a manager/supervisor must have approved food safety training. If 6 or more staff are working, the trained manager/supervisor must be on site. Owners of more than one site must have a different trained manager for each site.
- i. There is an accumulation of recycling near the server station which is in contravention of section 28(1) of the Food Regulation AR 31/2006 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.
- j. An outdoor propane burner is used within the facility with a propane tank attached which is in contravention of section 2(1) of the Nuisance and General Sanitation AR 243/2003 which states that no person shall create, commit or maintain a nuisance.

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 Owner immediately undertake and diligently pursue the completion of the following work in and about the above noted premises, namely:
 - a. There must be a continuous supply of hot water under pressure supplied to the premises.

- b. All food must be protected from contamination during storage.
 - c. The dishwasher must be repaired or replaced.
 - d. Hand wash stations must be equipped with liquid soap in a pump style dispenser and paper towels must be in a dispenser.
 - e. The gap in the exterior door must be corrected.
 - f. The source of water intrusion must be investigated and corrected. All water damaged building materials must be removed and the ceiling must be repaired.
 - g. General sanitation must be improved.
 - h. All waste must be removed on a regular basis, do not allow an accumulation of waste in the facility.
 - i. Documentation must be provided to demonstrate that a person in care and control of the facility has approved food safety certification.
 - j. A fire code safety inspection report must be supplied to the executive officer indicating that all fire hazards have been remedied.
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 High Level, Alberta, June 13, 2022.

Confirmation of a verbal order issued to Benji Banman and Bieu Nie on June 13, 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 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 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>

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Copy High Level Fire Department

Peace River • Peace River Community Health Centre • Environmental Public Health

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