

ORDER OF AN EXECUTIVE OFFICER NOTICE OF CLOSURE

To: Hot Donair & Shawarma Ltd.
Abdulazeez Al-Dosakee
“the Owner”

RE: The food establishment located in St. Albert, Alberta and municipally described as:
Hot Donair & Shawarma
4 – 11 Bellerose Drive

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 was unfit/inedible food present in the walk in cooler. Tomatoes stored in the walk in cooler were mouldy/rotten.
- b. Adequate food protection was not in place. There was uncovered foods (including the tomatoes) stored on the floor of the walk in cooler. There was uncovered foods including donair/shawarma toppings in the top section of the front line cooler.
- c. Perishable food stored in the line cooler was not being maintained at 4 degrees C or colder, the foods including donair/shawarma toppings were measured to be 16 degrees C. The perishable foods (sauces) stored in the bottom section of the line cooler was 6 degrees C.
- d. There was no adequate dishwashing available. The faucet for the three compartment sink was in disrepair with missing water control knob. The flow of water could not be controlled by the faucet.
- e. The plumbing was not being maintained in a good working condition. The water was constantly running from the faucet of the three compartment sink and the control knobs were in disrepair/not present.
- f. The back hand sink was not being stocked with soap.
- g. Pest control records were not being maintained and available for review during the inspection.
- h. The facility was operating without a valid and subsisting food handling permit from Alberta Health Services

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 was unfit/inedible food present in the walk in cooler. Tomatoes stored in the walk in cooler were mouldy/rotten. This is in contravention of Section 23(2) of the Food Regulation, AR 31/2006 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.”.

- b. Adequate food protection was not in place. There was uncovered foods (including the tomatoes) stored on the floor of the walk in cooler. There was uncovered foods including donair/shawarma toppings in the top section of the front line cooler. This is in contravention of Section 23(1)(a) and (b) of the Food Regulation, AR 31/2006 which states that; “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.”
- c. Perishable food stored in the line cooler was not being maintained at 4 degrees C or colder, the foods including donair/shawarma toppings were measured to be 16 degrees C. The perishable foods (sauces) stored in the bottom section of the line cooler was 6 degrees C. This is in contravention of Section 25(1) of the Food Regulation, AR 31/2006 which states that; “All high risk foods be stored, displayed and transported at a temperature of (a) not more than 4 degrees C or such higher temperature, or (b) not less than 60 degrees C or such lower temperature as an executive officer stipulates under subsection (4).
- d. There was no adequate dishwashing available. The faucet for the three compartment sink was in disrepair with missing water control knob. The flow of water could not be controlled by the faucet. This is in contravention of Section 28(1) and 28(2) of the Food Regulation, AR 31/2006 which states that; 28(1) “A commercial food establishment must have all the facilities, equipment and utensils that are necessary to ensure safe operation and maintenance” and 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 forgoing, must be washed and sanitized in a manner that removes contamination.”
- e. The plumbing was not being maintained in a good working condition. The water was constantly running from the faucet of the three compartment sink and the control knobs were in disrepair/not present. This is in contravention of Section 17(1)(a) and 28(3)(a) and (b) of the Food Regulation, AR 31/2006 which states that; “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,” and 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.”.
- f. The back hand sink was not being stocked with soap. This is in contravention of Section 30(4) of the Food Regulation, AR 31/2006 which states that; “The handwashing stations referred to in section 17(1)(e) must be maintained and kept supplied.”.
- g. Pest control records were not being maintained and available for review during the inspection. This is in contravention of Section 21(2) of the Food Regulation, AR 31/2006 which states that; “A written record of all pest control measures used in the food establishment and surrounding areas, premises and facilities referred to in subsection (1) must be maintained.”.
- h. The facility was operating without a valid and subsisting food handling permit from Alberta Health Services, which is in contravention of Section 3(1) (a) (b) of the Food Regulation, AR 31/2006 which states that; no person shall operate a food establishment unless (a) the person is an operator who holds a valid and subsisting permit for the operation of the food establishment, and (b) the food establishment is identified on the permit as approved by the regional health authority that issued the permit.”.

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. Discard all unfit/inedible food from the facility.
 - b. Ensure all foods are properly covered/protected from contamination.
 - c. Ensure foods are not stored on the floor.
 - d. Ensure all perishable foods are stored below 4 degrees C or above 60 degrees C
 - e. Ensure that the dishwashing sinks are maintained and are available to wash the reusable dishes and utensils while the facility is in operation.
 - f. Ensure that the plumbing system is maintained in a proper operating condition and there is a supply of hot and cold running water to all necessary fixtures.
 - g. Ensure that the hand sinks are stocked and available with soap and paper towels present in the dispensers.
 - h. Ensure pest control records are completed monthly and maintained onsite for review.
 - i. Procure and maintain a valid Food Handling Permit while the facility is in operation.
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, January 23, 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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