



Resources for
**OPENING A
FOOD PREMISES**
in York Region



Introduction

This resource outlines the requirements with which food premises owners and operators are required to comply under the *Health Protection and Promotion Act* (HPPA) and the *Ontario Food Premises Regulation* (FPR).

Every person who intends to operate a food premises in York Region must comply with the requirements of the HPPA and the FPR. Operators shall give notice of their intention to York Region that they intend to commence to operate a food premises within the Region. This requirement also applies to operators purchasing an existing food premises.

Contact your local municipality for information on business licences, building approval and zoning requirements.

This resource is organized into colour-coded sections that provide information on:

- Legislation
- Basic food premises requirements
- Steps prior to opening a food premises
- Home-based business and online-based businesses
- Inspection schedule
- Inspection disclosure program
- Mandatory food handler certification
- Other considerations
- Resources

The steps outlined in this package are for premises operating in York Region and thereby requires approval from York Region Public Health prior to opening.

Contact your local municipality for information on business licences, building approval and zoning requirements.



Health Protection and Promotion Act

In Ontario, the HPPA sets out the mandate to make regulations, programs and protocols, specifically food premises. All public health units are responsible for carrying out this mandate under which food is held, prepared and served to the public.

This is also the responsibility of the food premises owner/operator, food handlers and employees.

Food Premises Regulation

Food premises are governed by the *Ontario Food Premises Regulation 493/17*. Sections include interpretation and application, operation and maintenance, cleaning and sanitizing and food handling.

A food premises is where food or milk is manufactured, processed, prepared, stored, handled, displayed, distributed, transported, sold or offered for sale.

For information and complete regulation requirements, please visit ontario.ca/laws



Supporting legislation

The Ontario Food Premises Regulation is supported by other Ontario legislation. These resources Operating a food premises may require approvals from other provincial and municipal departments or agencies.

These include:

- *Ontario Public Health Standards, 2018*
- *Food Safety Protocol, 2019*
- *Operational Approaches for Food Safety Guideline, 2019*
- *Food Premises Reference Document, 2019 (MOH)*
- *Questions and Answers – Health Protection and Promotion Act*
- *Questions and Answers: Exemptions to O. Reg. 493/17 (Food Premises) under the Health Protection and Promotion Act*
- *Food Premises Serving Low Risk and Prepackaged Food (MOH)*
- *Dogs and Food Premises (MOH)*



Before opening a food premises, complete the following steps:

- Municipality/town/city for building permits
- Municipality/town/city for zoning bylaws
- Municipality/town/city's fire marshal
- Alcohol and Gaming Commission of Ontario
- Canadian Food Inspection Agency (if processing food and labelling requirements)
- Ontario Ministry of Agriculture and Food (agriculture related food premises)

Notify York Region Health Connection with the following information:

- a. Business information (e.g., business name, site address)
- b. Ownership information (e.g., owner/operator name, business/cell phone number and email)
- c. Corporate information (e.g., corporate name/number, corporate address, sole proprietor, partnership)
- d. Expected date of opening or reopening to the public
- e. Type of food premises

Basic food premises requirements

Some of the key requirements within the *Ontario Food Premises Regulation* are outlined below. For complete requirements, please visit ontario.ca/laws

Inspected source

All food served to the public must be from an “inspected source.” Inspected sources include food premises inspected by public health inspectors, such as restaurants, supermarkets, bakeries and food processing plants (e.g., federally or provincially inspected facilities).

Food premises owners must maintain records of all food products purchased from an inspected source. These records will assist York Region Public Health in the event of a food-borne illness investigation and/or food recall. For meat products, the *Ontario Food Premises Regulation* requires records to be maintained at the premises, for not less than one year from date of purchase.

Operation and maintenance

- ☑ A food premises must operate and be maintained in a manner such that it does not pose a health hazard
- ☑ Any area where food is present cannot be used for sleeping purposes
- ☑ The floors in the food preparation and dishwashing areas must be constructed of materials that are tight, smooth and non-absorbent and easily cleaned. This also includes washing and toilet fixtures.
- ☑ The floors, walls and ceilings in the food preparation areas are to be kept clean and in good repair
- ☑ Garbage and wastes, including liquid

wastes, shall be collected and removed from a food premise as often as is necessary to maintain the premise in a sanitary condition. The garbage area must be constructed and maintained to exclude insects and vermin and prevent odours and health hazards

- ☑ Designated staff area is recommend for personal belongings

Grease interceptors

All liquid waste (e.g., fats, oils, grease, etc.) from the operation of a food premises must be disposed in a sanitary manner. Grease interceptors are contained units designed to trap grease, oil, solids and other debris. They prevent these substances from getting into the sanitary sewer system.

York Region Sewer Use Bylaw 2011-56 and many other local municipal sewer use bylaws, require all restaurants or other industrial businesses where food is cooked, processed or prepared, to install and maintain grease interceptors to ensure fats, oils and grease are prevented from going down the sewer. For more information on the Sewer Use Bylaw, visit york.ca.

Businesses that must have a grease interceptor include, but are not limited to:

- Bakeries
- Banquet centres
- Cafeterias (school and work)
- Coffee shops
- Food processing operations
- Grocery stores
- Hospitals
- Nursing and retirement homes
- Restaurants

In addition to York Region's Sewer Use Bylaw, the nine local municipalities have their own Sewer Use Bylaws. It is important to contact your local municipality to ensure you are compliant with their Sewer Use Bylaw as well. Visit york.ca/wps/portal/yorkhome/yorkregion/yr/permits/sewerusepermits/

Lighting

- ☑ A food premises must maintain adequate lighting during all hours of operation. Requirements for the levels of illumination are regulated under the Ontario Building Code. For more information, consult the local municipal building department in which you intend to operate the food premises

Ventilation

- ☑ Ventilation must be maintained such that the premises does not become a health hazard. Specific ventilation requirements for washrooms and food preparation areas are regulated under the Ontario Building Code. For more information, consult the local municipal building department in which you intend to operate the food premises

Equipment

- ☑ Any equipment used in the kitchen must be constructed such that it can be readily cleaned and sanitized
- ☑ Equipment and utensils that come into direct contact with food must be corrosion-resistant, non-toxic and free from cracks, crevices and open seams

- ☑ All food shall be stored on racks, shelves or pallets above the floor

Water

- ☑ A supply of potable water adequate for the operation of the premises must be maintained onsite
- ☑ Hot and cold, under pressure, running water must be provided in areas where food is processed, prepared or manufactured or utensils are washed

Sinks

Handwashing sink

A separate handwashing sink must be provided in a convenient location in each food preparation area, with potable hot and cold running water, soap or detergent in a dispenser and clean single-service towels.

Dishwashers and sinks for cleaning and sanitizing equipment and utensils

If multi-service equipment and utensils (e.g., reusable forks, plates, etc.) are to be used by patrons, one of the following is required:

- a) A three-compartment sink of adequate size for the manual wash, rinse and sanitizing procedure
- b) A commercial mechanical dishwasher equipped with temperature gauge; with either a high-temperature machine capable of reaching 82°C (180°F) or higher for 10 seconds, or a low-temperature machine with chemical sanitizing rinse
- c) A mechanical dishwasher that bears a certification from NSF International that certifies it for commercial use



For equipment and utensils too large to fit into a mechanical dishwasher, a two-compartment sink of adequate size must be available for the manual wash, rinse and sanitizing procedure. Adequate size means all equipment and utensils can be immersed in each of the sinks.

If single-service equipment and utensils (e.g., disposable forks, plates, etc.) are used by patrons, a two-compartment sink of adequate size for the manual wash, rinse and sanitizing procedure must be available for washing preparation equipment and utensils.

Food preparation sink

An additional sink may be required for food preparation depending on the nature of the food premises.

Janitorial/mop sink

A janitorial/mop sink is recommended for disposal.

Temperature and thermometers

- ☑ Refrigerators must be capable of keeping cold foods cold at 4°C (40°F) or less and freezers must keep frozen foods frozen
- ☑ Adequate hot holding equipment is required to keep hot foods hot at 60°C (140°F) or above after cooking and/or reheating (e.g., steam table, etc.)
- ☑ An accurate, visible and conveniently located thermometer indicating the temperature is required in each cold, hot and frozen unit used for the storage of hazardous foods
- ☑ An accurate probe thermometer that can be easily read is required to measure the internal temperature of hazardous foods (e.g., meat, fish)

Washroom facilities

- ☑ The number of handwash sinks, urinals and toilets required in washrooms is regulated under the [Ontario Building Code](#). For more information, consult the local municipal building department in which you intend to operate the food premises.
- ☑ Every washroom facility must be equipped with a continuous supply of:
 - Potable, under pressure, hot and cold running water
 - Toilet paper
 - Liquid soap in a dispenser
 - Single-use paper towels or a hot air dryer
 - Durable, easy-to-clean receptacle for used towels and other waste material

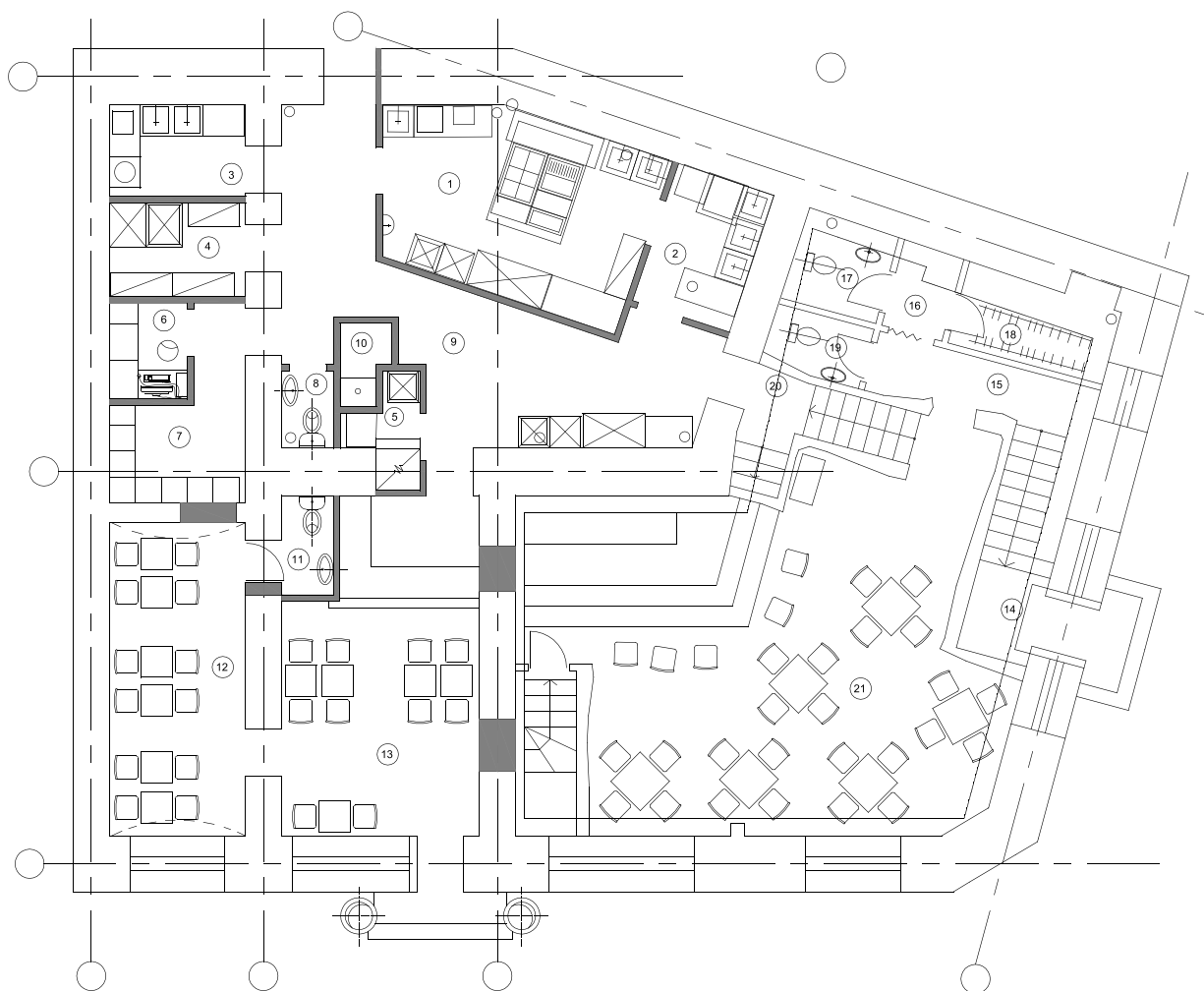
Consider the layout of the food premises in the floor plans

The layout should be designed to:

- Allow ease of flow for customers, staff and food to avoid crowding and cross-contamination
- Ensure there are plenty of cold and dry goods storage areas, staff lockers, garbage and cleaning supplies
- Have separate food preparation areas for raw and ready-to-eat foods wherever possible to reduce the risk of cross-contamination
- Provide easy and convenient access to handwashing sinks

- Have separate sinks for handwashing and dishwashing
- Have separate dishwashing and food preparation areas

Contact York Region Health Connection 10 business days before the food premises opens to arrange a pre-opening inspection by a York Region public health inspector. The pre-opening inspection ensures the food premises complies with the *Ontario Food Premises Regulation*.



- ☑ Submit scale drawings of the proposed floor plan for the food premises in person to a York Region Public Health office located in the municipality where you intend to operate the food premises. A York Region public health inspector will review the floor plan to ensure it complies with the *Ontario Food Premises Regulation* and will contact you when the approved floor plans are ready for pick up.

The scale drawings must include:

- a. All room dimensions
- b. Location of all equipment
- c. Location of sinks (e.g., dishwashing, handwashing and janitorial)
- d. Locations of all washrooms
- e. Location of ventilation equipment
- f. Location of grease traps
- g. Description of materials to be used on floors, walls, ceilings, counters, shelves, etc.
- h. Location of well, if using a private or communal water supply and type of well (e.g., drilled or dug)
- i. Location of sewage system (if applicable)

***Please do not submit electronic copies of the proposed floor plan.**

Georgina

Tuesday
8:30 a.m. to 11:00 a.m.
24262 Woodbine Avenue
Keswick, Ontario L4P 3E9

Markham

Shoppes of Unionville Plaza
Health Protection Division
4261 Highway #7 East, Suites B6-9
Unionville, Ontario L3R 9W6

Newmarket

Health Protection Division
17150 Yonge Street, 4th floor
Newmarket, Ontario L3Y 8V3

Richmond Hill

South Service Centre
Health Protection Division
50 High Tech Road, Second Floor
Richmond Hill, Ontario L4B 4N7

Vaughan

9060 Jane Street
Health Protection Division
Vaughan, Ontario L4K 2M9



Home-based businesses

Home-based food businesses can use their home kitchen for the preparation of food for sale to the public.

- ☑ The area where the food is prepared, handled, cooked and stored must be in compliance with the *Ontario Food Premises Regulation*
- ☑ A green YorkSafe “Proof of Public Health Inspection” sign is to be posted at the entrance door

☑ The area must be approved by the following:

- Local municipal zoning/bylaw departments
- Local municipal building department
- Local municipal fire department

Written approval from one or any combination of the above agencies must be provided to the York Region public health inspector for assessment.

- ☑ Submit scale drawings of the proposed floor plan for the food premises



Inspection Schedule

Public health inspectors will inspect food premises based on the risk categorization of the premises. Using the province's standardized risk categorization, premises are scored based on profile and performance factors.

Profile factors:

- Type of operation
- Population served
- Extent of food handling

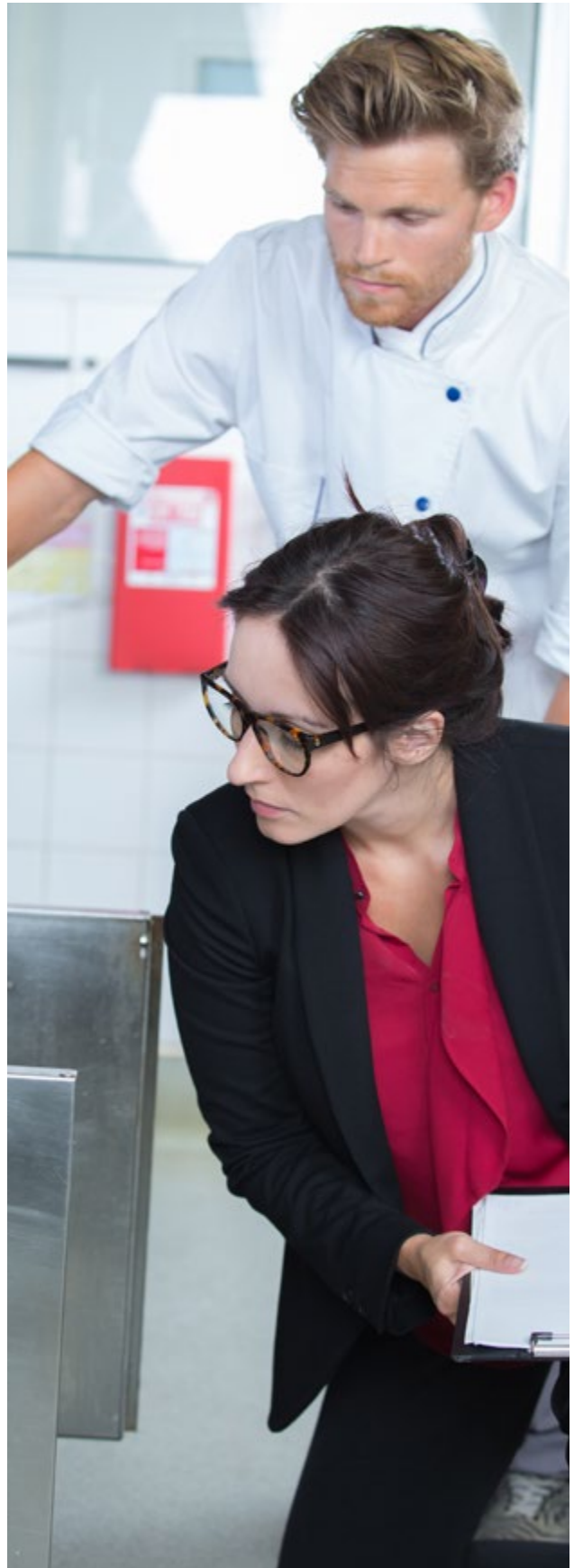
Performance factors:

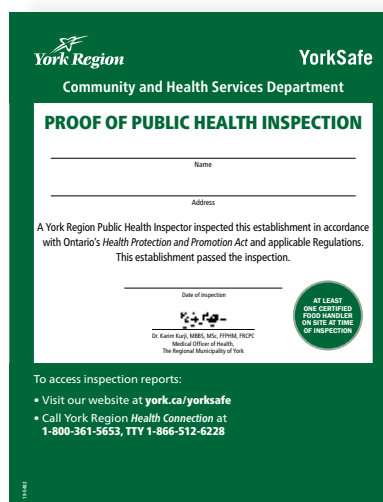
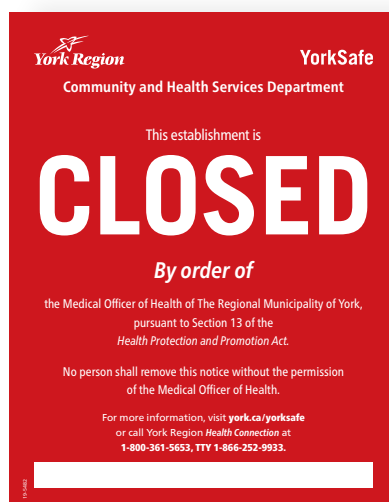
- Past compliance history
- Food handler certification
- Food safety plans

The total score determines the level of risk and how often a premises is inspected.

- High-risk premises: a minimum of three times a year
- Moderate-risk premises: a minimum of two times a year
- Low-risk premises: a minimum of once a year

Low risk premises that sell only prepackaged nonhazardous food are inspected once every two years.





Inspection Disclosure Program

Under the *Food Safety Protocol, 2019*, it is mandatory for health units to publicly disclose a summary. YorkSafe is York Region's enhanced public health inspection reporting program that discloses the results of routine inspections, complaint inspections and re-inspections. Public health inspectors check a variety of establishments in York Region to ensure they are meeting minimum public health requirements. YorkSafe allows inspection results to be easily shared with the public.

The YorkSafe program includes food establishments, small drinking water systems, recreational water facilities, such as public swimming pools, child care centres, before and after school programs, recreational camps, personal services settings, such as hair salons, tattoo studios and spas. At the end of each routine inspection, complaint inspection and re-inspection, establishments are provided with a YorkSafe "Proof of Public Health Inspection" sign. Establishments can post these signs by their main entrance.

A pass means that:

- No infractions have been noted at the time of inspection; OR

- Infractions may have been noted, however the number and/or type of infractions identified do not represent an immediate risk to the health of the public under the *Health Protection and Promotion Act*
- A re-inspection may occur if infractions need to be corrected. Sometimes minor issues noted during the inspection do not have to be addressed until the next routine inspection
- Health hazards that may have been noted during the inspection have been eliminated. An establishment can still receive a green sign if there are infractions

If any immediate health hazards are determined during an inspection, the York Region public health inspector will close the food premises if the health hazard cannot be mitigated at the time of the inspection. Where necessary, Provincial Offences Notices (tickets) under the *Provincial Offences Act* may be issued. Red "Closed" signs are given to food premises that pose an immediate health hazard to the public.

Mandatory Food Handler Certification

The *Ontario Food Premises Regulation* requires all food service premises to have a certified food handler onsite at all times.

A food service premises is any food premises where meals or meal portions are prepared for immediate consumption or sold or served in a form that will permit immediate consumption on the premises or elsewhere.

Examples include:

- Banquet halls
- Child care centres
- Convenience stores that sell potentially hazardous food items
- Delis
- Food take-outs
- Home and internet-based businesses
- Recreational camps
- Restaurants
- Supermarkets
- Special event vendors

The Regulation requires every operator of a food service premises to ensure that there is at least one food handler or supervisor on the premise who has completed food handler training during every hour in which the premise is operating.



Information on how to obtain your Food Handler Certification can be found on our website. Visit york.ca/foodsafety

For a list of recognized programs as meeting minimum requirements for food handler training and certification determined by the Ministry of Health, please visit health.gov.on.ca/en/pro/programs/publichealth/enviro/



Renovations

- ☑ If you are planning structural renovations on your food premises, contact York Region Health Connection to speak with a public health inspector before beginning renovations, to ensure the changes comply with the *Ontario Food Premises Regulation*
- ☑ Contact your local municipality to schedule any additional inspections to ensure compliance with municipal codes (e.g., fire and building codes)

Well water

- ☑ If the water supply used on the food premises is from a private well, then the well water must be free of Total Coliform and E. coli bacteria. A food premises may be classified under the *Ontario Small Drinking Water Systems Regulation*. For more information, contact York Region Health Connection.

Healthy Menu Choices Act

Under the *Healthy Menu Choices Act, 2015*, all food service chains with 20 or more locations in Ontario must post the number of

calories in the food and drink items on their menus or on display.

This will allow customers to make well-informed decisions about what they eat and feed their children when dining out.

Premises include, but are not limited to:

- Coffee shops
- Fast-food chains
- Grocery and convenience stores
- Movie theatres
- Restaurants

To learn more about this legislation, please visit ontario.ca/CaloriesOnMenus

Who do I call if I have questions about the guide?

If you have any questions, please call York Region Health Connection at 1-800-361-5653 ext. 4, TTY: 1-866-252-9933 (for the deaf or hard of hearing) to speak with a York Region public health inspector or email Health.Inspectors@york.ca about opening and/or renovating a food premises.

Other agencies

Operating a food premises may require approvals from other provincial and municipal departments or agencies.

These may include:

- Alcohol Gaming Commission of Ontario (e.g., Liquor Licence applications)
- Ontario Building Code (Local building department)
- Ontario Fire Code (Local fire department)
- Smoke Free Ontario Act* (York Region Public Health)
- Small Drinking Water System (York Region Public Health)
- York Region Sewer Use Bylaw 2011-56 (York Region Environmental Services)
- CFIA
- OMAFRA



Accessible formats or communication supports are available upon request.
Please contact the Community and Health Services Department
by email at chs-info@york.ca or by phone at 1-888-256-1112.