



Opening a Food Premises in Huron Perth



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Adapted with permission of Simcoe Muskoka District Health Unit | April 2025









Introduction



This document outlines requirements under the *Health Protection and Promotion Act* (HPPA) and [Ontario Regulation 493/17: Food Premises \(O. Reg\)](#) to which owners and operators of food premises must comply.

Every person who intends to operate a food premises in Huron Perth must comply with the requirements of the HPPA and O. Reg. 493/17. Operators are legally required to notify Huron Perth Public Health (HPPH) of their intention to commence operating a food premises within the area and obtain approval from the health unit prior to opening. This requirement also applies to operators purchasing an existing food premises. It is also important to contact your local municipality for information on business licenses, building approval and zoning requirements.

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

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

First steps



Health Protection and Promotion Act

In Ontario, the *Health Protection and Promotion Act (HPPA)* sets out the regulations, programs and protocols for food premises. All public health units are mandated to oversee and enforce regulations related to the storage, preparation and serving of food to the public.

Food Premises Regulation

A food premises is any place where food or milk is manufactured, processed, prepared, stored, handled, displayed, distributed, transported, sold or offered for sale. Food premises are governed by O. Reg. 493/17. Sections include interpretation and application, operation and maintenance, cleaning and sanitizing and food handling. It is the responsibility of the food premises owner/operator, food handlers and employees to ensure all food is safe to eat. For the full regulation, please visit the provincial e-Laws [webpage](#).

Supporting Legislation

O. Reg. 493/17 is supported by other Ontario legislation.

These include:

- [Ontario Public Health Standards, 2021](#)
- [Food Safety Protocol, 2019](#)
- [Operational Approaches for Food Safety Guideline, 2019](#)
- [Food Premises Reference Document, 2019](#)
- [Reference Document for Safe Food Donation, 2020](#).



Before opening a food premises, understand the requirements set by your municipality and Ontario Regulation 493/17: Food Premises (O. Reg. 493/17).

Contact the following organizations where applicable:

The following organizations should be contacted to obtain information and any approvals and/or required documentation:

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

Provide HPPH with the following information:

1. Notice of Intent to Operate a Food Premises form available on our [website](#).
2. Floor plans (see **Steps Prior to Opening a Food Premises** on page 10 for what to include).

Basic food premises requirements



Some of the key requirements within O. Reg. 493/17 are outlined below. For the full regulation, visit the provincial e-Laws [webpage](#).

Inspected sources

All food served to the public must be from an “inspected source”. Inspected sources include food premises inspected by certified 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 be accessed by certified public health inspectors in the event of a food-borne illness investigation and/or food recall. For manufactured meat products, O. Reg. 493/17 requires records to be maintained at the premises for not less than one year from the date of purchase.

Operation and maintenance

- 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 premises as often as is necessary to maintain the premises in a sanitary condition. The garbage area must be constructed and maintained to exclude insects and vermin and prevent odours and health hazards.
- A designated staff area for personal belongings is recommended.
- A designated mop sink/fill and dump station is recommended.



Basic food premises requirements



Lighting

- ✓ 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 (safe) water that is adequate for the operation of the premises must be maintained on-site.
- ✓ Hot and cold, under pressure, running water must be provided in areas where food is processed, prepared or manufactured or utensils are washed.



Sinks

Designated handwashing sink

An adequate number of designated handwashing sinks must be provided in a convenient location in each food preparation area. Sinks must have potable hot and cold running water, liquid soap or detergent in a dispenser and clean single-service towels available. Handwashing sinks are to be used for the handwashing of employees only.

Dishwashers and sinks for cleaning and sanitizing equipment and utensils

- **If multi-service equipment and utensils (e.g., reusable forks, plates, cups, 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 sanitizer.
 - c. A mechanical dishwasher that bears a certification from NSF International that certifies it for commercial use and subsequent time, temperature and/or sanitizer requirements.

Basic food premises requirements



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.

- **If single-service equipment and utensils (e.g., disposable forks, plates, etc.) are used by patrons, one of the following is required:**
 - a. A two-compartment sink of adequate size for the manual wash, rinse and sanitizing procedure for washing preparation equipment and utensils.
 - 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 sanitizer.
 - c. A mechanical dishwasher that bears a certification from NSF International that certifies it for commercial use and subsequent time, temperature and/or sanitizer requirements.



Food preparation sink

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

Janitorial/mop sink

A janitorial/mop sink is recommended for filling mop buckets and disposing of mop water.

Basic food premises requirements



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, hot and cold running water under pressure
- Toilet paper
- Liquid soap or detergent in a dispenser
- Single-use paper towels or a hot air hand dryer
- Durable, easy-to-clean garbage receptacle for used towels and other waste.

Inspection Disclosure Program

A “Check What We Inspect” decal is to be posted in a location instructed by the public health inspector. See page 13 for more details.

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).

Steps prior to opening a food premises



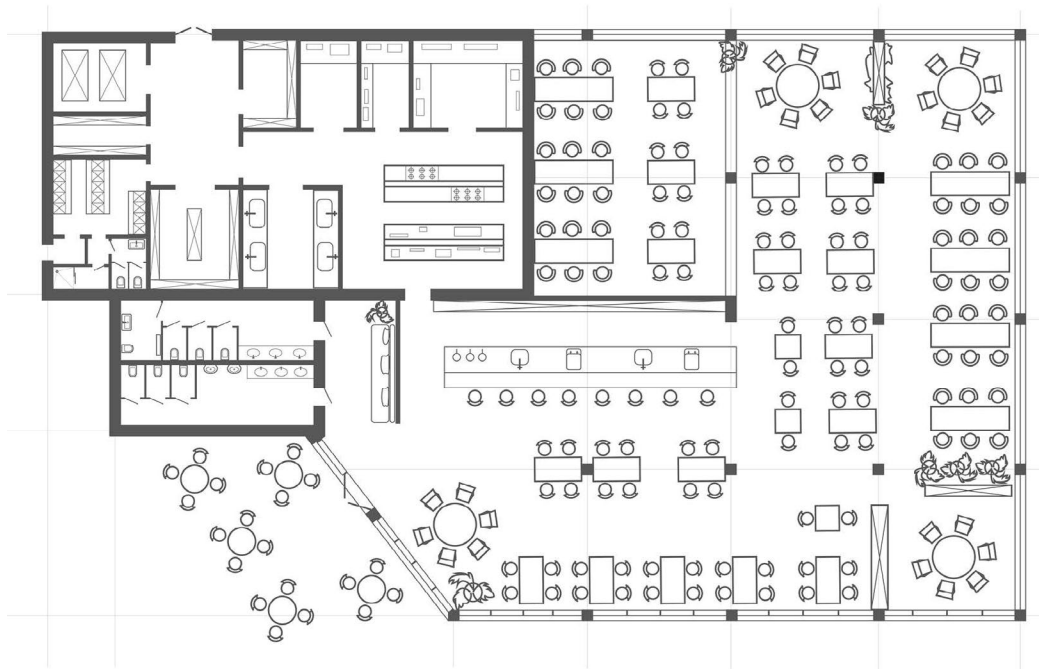
Contact HPPH before the food premises opens to discuss if a pre-opening inspection is recommended by a certified public health inspector. The pre-opening inspection helps to ensure the food premises complies with the O. Reg. 493/17.

Submit scale drawings of the proposed floor plan for the food premises to an HPPH office location or by email at ehresponse@hpph.ca

A HPPH public health inspector will review the floor plan to ensure it complies with O. Reg. 493/17 and will contact you for further consultation.

It is strongly recommended that scale drawings include:

- Premises name and address
- Owner/operator name and phone number
- All room dimensions
- Location of all equipment
- Location of sinks (e.g., dishwashing, handwashing and janitorial)
- Location of mechanical dishwasher (if applicable)
- Locations of all washrooms
- Location of storage areas
- Location of ventilation equipment
- Location of grease traps
- Description of materials to be used on floors, walls, ceilings, counters, shelves, etc.
- Location of well, if using a private or communal water supply and type of well (e.g., drilled or dug)
- Location of sewage system (if applicable).



Home-based and online-based businesses



Home-based and online-based businesses are subject to inspections and requirements under O. Reg. 493/17. Home-based food businesses can use their home kitchen for the preparation of food for sale to the public provided that:

- The area where the food is prepared, handled, cooked and stored complies with the O. Reg. 493/17.
- If the home uses a non-municipal or otherwise non-regulated water source (e.g., lake water, private well water), water samples are taken before opening and routinely throughout the operating year.
- A “**Check What We Inspect**” decal is to be posted in a location instructed by the public health inspector. See page 13 for more details.
- The location is approved by the local municipal zoning/bylaw department, municipal building department and fire department.

Be sure to discuss with a public health inspector early in planning stages to ensure the food items that are being considered are permitted to be made in a residential kitchen. Restrictions may apply.

Inspection schedule



Certified public health inspectors 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
- **Ultra-Low-risk premises:** a minimum of once every two years.

Inspection disclosure program



Under the *Food Safety Protocol, 2019*, it is mandatory for all Ontario public health units to publicly disclose a summary of inspection findings.

Check What We Inspect is HPPH's public health inspection reporting program that discloses online the results of routine and complaint inspections, re-inspections and any enforcement activities. This reporting program helps individuals make informed decisions about which businesses they may want to visit.

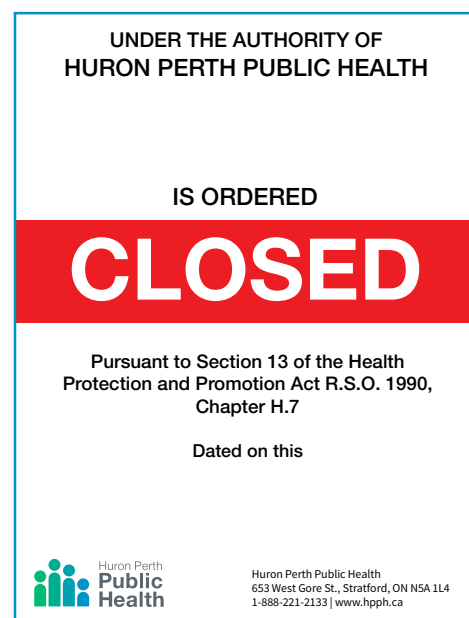
The **Check What We Inspect** program includes food establishments, small drinking water systems, recreational water facilities (i.e., public swimming pools), childcare centres and institutional food premises (i.e., long-term care and retirement homes), recreational camps, and personal services settings, such as hair salons, tattoo studios and aesthetics.

All establishments subject to public health inspections are required to post a **Check What We Inspect** decal in a location easily seen by the public. This decal informs the public that the establishment is an inspected premises and provides information on how to access inspection results.

During an inspection, infractions may be identified. In many cases these infractions do not always represent an immediate risk to the health of the public under the *Health Protection and Promotion Act*. An establishment can remain open if there are infractions found by a certified public health inspector that do not represent an immediate health hazard. Re-inspections occur to ensure infractions are corrected.

If any immediate health hazards are identified during an inspection, certified public health inspectors will close the food premises if the health hazard cannot be mitigated at the time of the inspection. A red "Closed" sign will be posted when a food premises is closed.

Where necessary, Provincial Offences Notices (tickets) under the *Provincial Offences Act* may be issued.



Mandatory food handler certification



O. Reg. 493/17 requires all food service premises to have a certified food handler on site 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 of food service premises include:

- Banquet halls
- Childcare centres
- Food/convenience stores that handle potentially hazardous foods
- Delis
- Food take-out premises
- Some home and online based businesses
- Recreational camps
- Restaurants
- Supermarkets
- Some special event/farmers' market food vendors.

O. Reg. 493/17 requires every operator of a food service premises to ensure that there is at least one food handler or supervisor, who has completed food handler training, on the premises during every hour in which the premises is operating.

Keep a copy of all food handler certificates on site for a public health inspector to review upon request.



Information on how to obtain your Food Handler Certification can be found on HPPH website at www.hpph.ca/safefoodcourse.

A list of recognized courses that meet the minimum requirements for food handler training and certification determined by the Ministry of Health is available on the [Ministry's website](#).

Other considerations for opening and operating a food premises



Renovations

If you are planning structural renovations at your food premises, contact HPPH to speak with a certified public health inspector before beginning renovations, to ensure the changes comply with the O. Reg. 493/17.

You will also need to contact your local municipality to obtain any required permits and/or schedule any additional inspections to ensure compliance with municipal codes (e.g., fire and building codes).

Well Water

If the water supply used in the food premises is from a private well, lake, etc., the water must be tested and be free of total coliforms and E. coli bacteria.

A food premises may also be classified as a small drinking water system under the O. Reg. 319/08: Small Drinking Water Systems. Discuss your water source with a certified public health inspector to determine if it falls under the regulation and to ensure you fully understand potential additional requirements.

Healthy Menu Choices Act

Under the *Healthy Menu Choices Act, 2015*, all food service chains with 20 or more locations in Ontario must post on their menus or display the number of calories in the food and drink items. This allows customers to make informed choices about what they eat when dining out.

Premises that may fall under the *Healthy Menu Choices Act* 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 <https://www.ontario.ca/page/calories-menus>

If you have any questions call **HPPH Environmental Health Response at 1-888-221-2133 ext 3670**, weekdays between 8:30 a.m. to 4:30 p.m. to speak with a certified public health inspector.

You can also email ehresponse@hp-ph.ca about opening and/or renovating a food premises.

Other Resources

- [Healthy Menu Choices Act](#)
- [O. Reg 319/08: Small Drinking Water System](#)
- [O. Reg 493/17: Food Premises](#)
- [Smoke Free Ontario Act](#) – for inquiries related to the Smoke Free Ontario Act, contact a Tobacco Enforcement officer at tobacco@hp-ph.ca



Perth Office

653 West Gore Street
Stratford, ON N5A 1L4

Huron Office

77722B London Rd., RR#5
Clinton, ON NOM 1L0

1-888-221-2133
www.hp-ph.ca