

**ONTARIO
SUPERIOR COURT OF JUSTICE
(Commercial List)**

| | | |
|----------------|---|-----------------------------|
| THE HONOURABLE |) | MONDAY, THE 2 nd |
| |) | |
| JUSTICE CONWAY |) | DAY OF DECEMBER, 2024 |

IN THE MATTER OF an application under Rule 14.05(3)(h) of the *Rules of Civil Procedure*

AND IN THE MATTER OF an application by Orkin Canada Corporation with respect to the rectification of the plan text of the registered pension plan for employees of Orkin Canada Corporation

ORKIN CANADA CORPORATION

Applicant

JUDGMENT

THIS APPLICATION, made by the Applicant, Orkin Canada Corporation ("**Orkin**"), for rectification of the written text of the Registered Pension Plan for Employees of Orkin Canada Corporation (Financial Services Regulatory Authority of Ontario ("**FSRA**") No. 0684829 (the "**Plan**") and other matters, was heard this day by videoconference at 330 University Avenue, 8th Floor, Toronto, Ontario.

ON READING the Notice of Application, issued September 25, 2024, the Affidavit of Jamie Belitz, affirmed October 17, 2024, the Supplementary Affidavit of Jamie Belitz, affirmed November 27, 2024, and on hearing the submissions of counsel for the Applicant, and no one attending to oppose the Application following notification thereof:

1. **THIS COURT ORDERS AND ADJUDGES** that the following language of the following provision of the Plan as amended December 21, 1994 and effective retroactively to June 27, 1990, shall be deleted and replaced with the corrected language that follows, with effect as at and from June 27, 1990, as though the deleted portion had never been included in the Plan text:

Section 4.2.3: “Upon completion of 5 years of service, each plan year, the Plan Sponsor is required to contribute 4% of each non-executive Member’s Earnings” shall be deleted and replaced with, “Upon completion of 5 years of Plan membership, each plan year, the Plan Sponsor is required to contribute 4% of each non-executive Member’s Earnings”.

2. **THIS COURT ORDERS AND ADJUDGES** that the following language of the following provision of the Plan as restated May 7, 1999 and effective retroactively to May 1, 1999, shall be deleted and replaced with the corrected language that follows, with effect as at and from May 1, 1999, as though the deleted portion had never been included in the Plan text:

Section 3.3: “Upon completion of 5 years of service, each plan year, the Plan Sponsor is required to contribute 4% of each non-executive Member’s Earnings” shall be deleted and replaced with, “Upon completion of 5 years of Plan membership, each plan year, the Plan Sponsor is required to contribute 4% of each non-executive Member’s Earnings”.

3. **THIS COURT ORDERS AND ADJUDGES** that the language in the following provision of the Plan as restated July 22, 2013 and effective retroactively to July 1, 2012, shall be deleted and replaced with the corrected language that follows, with effect as at and from July 1, 2012, as though the deleted portion had never been included in the Plan text:

Section III:

Schedule of Required Contributions

| Employee Class | Member Required Contributions | Employer Required Contribution |
|-----------------------|--------------------------------------|---|
| All employees | 4% of Earnings | according to the following contribution scale |

Contribution Scale:

| | |
|-------------------------------|------------------------|
| Completed Years of Employment | Percentage of Earnings |
|-------------------------------|------------------------|

| | |
|-------------------|----|
| Less than 5 years | 2% |
|-------------------|----|

| | |
|-----------------|----|
| 5 years or more | 4% |
|-----------------|----|

The above shall be deleted and replaced with:

Schedule of Required Contributions

| Employee Class | Member Required Contributions | Employer Required Contribution |
|-----------------------|--------------------------------------|---|
| All employees | 4% of Earnings | according to the following contribution scale |

Contribution Scale:

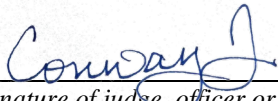
| | |
|---|------------------------|
| Completed Years of <u>Plan Membership</u> | Percentage of Earnings |
|---|------------------------|

| | |
|-------------------|----|
| Less than 5 years | 2% |
|-------------------|----|

| | |
|-----------------|----|
| 5 years or more | 4% |
|-----------------|----|

4. **THIS COURT ORDERS AND ADJUDGES** that the three foregoing provisions, as rectified, may be subject to any non-substantive further revisions as may be required to conform with the Plan document as a whole (e.g., to main consistency with any defined terms).

5. **THIS COURT ORDERS AND ADJUDGES** that there shall be no costs payable in respect of the Application.



(Signature of judge, officer or registrar)

IN THE MATTER OF AN APPLICATION UNDER RULE 14.05(3)(h) OF THE *RULES OF CIVIL PROCEDURE*

**AND IN THE MATTER OF AN APPLICATION BY ORKIN CANADA CORPORATION WITH
RESPECT TO THE RECTIFICATION OF THE PLAN TEXT OF THE REGISTERED PENSION
PLAN FOR EMPLOYEES OF ORKIN CANADA CORPORATION**

Applicant

ONTARIO
SUPERIOR COURT OF JUSTICE
(COMMERCIAL LIST)

Proceeding commenced at Toronto

JUDGMENT

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