

**IN THE PROVINCIAL COURT OF ALBERTA**  
**CRIMINAL DIVISION**

**Between**

**HIS MAJESTY THE KING**

and

**ORKIN CANADA CORPORATION**

**AGREED STATEMENT OF FACTS**

1. Orkin Canada Corporation stands charged that:

On or between May 26, 2021 and May 27, 2021, both dates inclusive, at or near Calgary, in the Province of Alberta, did commence or continue any activity that is designated by the regulations as requiring a registration without holding the required registration, to wit: did offer or provide a pesticide service involving the use or application of a pesticide listed in Schedule 1, 2, or 3 whether or not for hire or reward without employing an applicator certified for the specific class of activity listed in Schedule 5 contrary to section 7(1)(b) of the *Pesticide (Ministerial) Regulation* and did thereby commit an offence contrary to sections 61 and 227(j) of the *Environmental Protection and Enhancement Act*.

2. On May 26 and 27, 2021, an Orkin employee was doing work at the Lynwood Condominium Complex (the "Complex") located at 7166 – 18 Street SE, Calgary. This complex is adjacent to the unfenced City of Calgary Ogden Off Leash Area (the "Ogden Area"). City of Calgary employees were working in the Ogden Off Leash Area.
3. City of Calgary employees observed the Orkin employee place Rozol RTU (Pesticide Reg 29545) treated pesticide grain ("Rozol RTU") in gopher holes or burrows on the Complex. The City of Calgary employees had concerns about the

way in which the Orkin employee applied the pesticide, and, as a result, they reported the matter to Alberta Environment. The City of Calgary employees were familiar with the Rozol TRU pesticide and the requirements regarding how to apply Rozol RTU. The City of Calgary employees were concerned that someone would later say that they had applied the Rozol RTU though they were using a different process at the time.

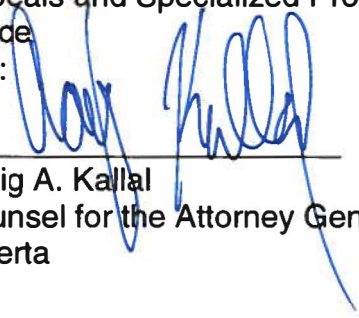
4. The Orkin employee who applied the Rozol RTU pesticide was not a registered pesticide applicator for the “Special: Exterior Rodent Control” class of pesticide within which Rozol RTU falls.
5. Prior to May 25, 2021, Orkin’s pesticide registration had included the “Special: Exterior Rodent Control” class. However, Orkin had applied to renew their pesticide registration in early 2021. Alberta Environment reviewed the application. Alberta Environment contacted Orkin to advise that they had noted that Orkin did not employ any applicators who were allowed to apply “Special: Exterior Rodent Control” class pesticide. Alberta Environment had informed Orkin that they would not issue registrations for that class unless Orkin had an authorized applicator. On May 25, 2021, Orkin requested that Alberta Environment renew their pesticide registration without the “Special: Exterior Rodent Control” class included. On May 25, 2021, Orkin’s registration was renewed effective that day without that class being included. Orkin’s employee who applied the Rozol RTU pesticide mistakenly believed the application was within the scope of Orkin’s registration.
6. The parties agree that:
  - a. Orkin Canada Corporation will plead guilty to Count 4 on Information 220399216P1 described in paragraph 1 of this Agreed Statement of Facts. All remaining charges as against all charged parties on the Information will be withdrawn upon the Court sentencing Orkin Canada Corporation.
  - b. Orkin Canada Corporation agrees that it will be sentenced on all facts forming part of the circumstances of the offences that could constitute the basis for separate charges pursuant to s. 725(1)(c) of the *Criminal Code of Canada*.
  - c. The facts contained within this Agreed Statement of Facts are fully admitted and acknowledged by Orkin Canada Corporation and will solely form the facts to be considered by the Judge pronouncing sentence upon Orkin Canada Corporation. The parties will be at liberty to make further submissions about those facts to the Court.
  - d. The parties will jointly submit that Orkin Canada Corporation should receive a penalty of \$27,500.00 for Count 4 on Information 220399216P1.

e. This Agreed Statement of Facts may be filed and relied upon even if signed in counterpart or by facsimile copies of the signatures of any person or both.

CONSENTED TO WITH RESPECT TO FORM AND SUBSTANCE THIS 23 day of January, 2023.


Alberta Crown Prosecution Service,  
Appeals and Specialized Prosecutions  
Office

Per:

  
\_\_\_\_\_  
Craig A. Kallal  
Counsel for the Attorney General of  
Alberta

Dentons Canada LLP

Per:

  
\_\_\_\_\_  
Alex MacWilliam  
Solicitor and Agent for Orkin Canada  
Corporation