



January 28, 2016

Aheer Transportation Ltd.
8970 River Road
Delta, BC V4G 1B5

Via email: chalinder@aheer.com
Original via mail

Attn: Shinda Aheer

Dear Sir:

Re: Notice of Payment Order against Aheer Transportation Ltd. ("Aheer") to Comply with the Container Trucking Act (the "Act") and the Container Trucking Regulation (the "Regulation")

As you are aware, the Office of the BC Container Trucking Commissioner is conducting an audit of your company following receipt of complaints alleging Aheer has failed to pay the correct wages rates, including especially retroactive wage amounts owing under the *Act* to its company drivers and owner operators.

I have now received an interim report from our auditor. The report indicates the auditor has made interim audit findings and has discussed these findings with Aheer and has specified the amount of certain adjustment payments to drivers required pursuant to the *Act* on the basis of her audit to date. Aheer indicated to the auditor that it accepted her findings, and would pay the adjustment amounts required to bring it into compliance with the *Act*, but Aheer also indicated to the auditor that it would not make full payments in full accordance with the requirements of the *Act*. In particular, Aheer indicated to the auditor that it would not pay retroactive wages to drivers it no longer employs.

Further, Aheer also indicated to the auditor that it would pay retroactive wages to independent operators and company drivers currently employed by Aheer, but only on a payment schedule of its own design, which commenced in December 2015 and continues for the necessary number of months into 2016. These indications by Aheer are unacceptable and are against both the provisions of the *Act*, and the related industry memos and decisions that have been issued by the Office of the BC Container Trucking Commissioner in 2015 and 2016.

Section 9 of the *Act* provides that, if a licensee fails to comply with the *Act* or the *Regulation*, the Commissioner may order the licensee to comply promptly or within a period that the Commissioner specifies. In the circumstances, I find it is appropriate to order that Aheer pay the retroactive wage amounts found by the auditor to be owing to drivers pursuant to her audit to date. Specifically, I order that Aheer pay the following amounts which are the auditor's calculations as of today's date: \$82,545.92 for owner operators for the period between April 3, 2014-December 31, 2014 and \$59,223.31 for company drivers the period of April 3, 2014 – July 31, 2015.

The amounts noted above must be paid by no later than 4 p.m. on February 8, 2016. I trust Aheer will begin to take immediate steps to comply with this Order.

Failure to comply with this Order will be viewed as serious non-compliance with the *Act*, and available penalties under the *Act* include suspension or cancellation of Aheer's license and the imposition of an

administrative fine of up to \$500,000. This Order will be published as required by Section 11 of the *Act*. This Order does not constitute notice of penalty pursuant to section 34 of the *Act*. However, if there is not compliance with this Order, subsequent notice of penalty will be issued to Aheer.

Yours truly,

OFFICE OF THE BC CONTAINER TRUCKING COMMISSIONER

A handwritten signature in blue ink, appearing to read 'Vince Ready', with a stylized flourish at the end.

Vince Ready
Deputy Commissioner (Acting)

cc. Harris & Company, Attn: Israel Chafetz, Q.C