



November 8, 2016

Royal City Roadline Inc.
23980 Thompson Gate
Richmond, BC V6V 1C5

Via email: gurinder@royalcityroadline.ca
Original to follow via mail

Attention: Gurinder Bath

CTC Decision No. 19/2016 - Decision Notice

Following receipt of a confidential complaint alleging that Royal City Roadline Inc. ("Royal City") was not paying the required minimum rates of remuneration required under the *Act* to employee drivers the then Commissioner directed an auditor to audit Royal City's records to determine if Royal City was paying its directly employed drivers ("Company Drivers") in compliance with the minimum rates of pay required by the *Regulation*. The auditor was directed to audit the period from April 1, 2014 to May 31, 2015. (the "Initial Audit Period")

The auditor reviewed all information requested from and provided by Royal City and concluded that during the Initial Audit Period Royal City was not paying the minimum rates of remuneration required under the *Regulation* to its Company Drivers. Royal City agreed to pay the adjustment amounts calculated to be owing to its Company Drivers and in April of 2016 (with one small exception) issued adjustment cheques in the required amounts.

Upon receipt of the auditor's report covering the Initial Audit Period, which identified non-compliance, the Commissioner directed a further audit of Royal City's Company Drivers covering the period following June 1st, 2015. (the "Subsequent Audit Period") The purpose of extending the audit period was to ensure that Royal City had made the necessary payroll changes to bring itself into ongoing compliance with the minimum rates of pay required by the *Regulation*.

The auditor reviewed relevant Subsequent Audit Period payroll records and determined that only one Company Drivers was not paid the minimum rates of pay required by the *Regulation*. Royal City paid the amount calculated to be owing, and since March 31st, 2016 has been paying its Company Drivers the minimum hourly rates required by the *Regulation*.

In Commissioner's Decision No. 19/2016, I determined that this was an appropriate case to issue a penalty for the reasons set out in paragraphs 18 - 28. In that regard, I proposed to impose an administrative fine against Big Boss in the amount of \$2,000.00. Consistent with s. 34(2) of the *Act* I advised Royal City that I would consider its written response to the proposed penalty if it was received within 7 days.

Royal City has not provided a written response within the time specified in the notice.

In the result I hereby order Royal City to pay an administrative fine in the amount of \$2,000.00. Section 35(2) of the *Container Trucking Act* requires that this fine be paid within 30 days of the issuance of this Notice. Payment should be made by delivering to the Office of the BC Container Trucking Commissioner

("OBCCTC") a cheque in the amount of \$2,000.00 payable to the Minister of Finance.

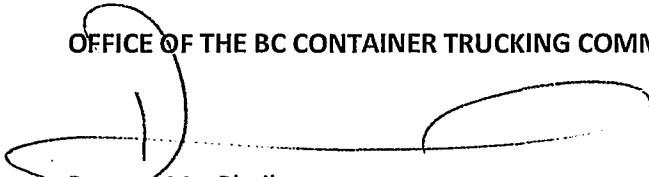
Finally, I note that Royal City may request a reconsideration of the Commissioner's Decision by filing a Notice of Reconsideration with the Commissioner not more than 30 days after Royal City receipt of this Decision Notice. A Notice of Reconsideration must be:

- a. made in writing,
- b. identify the decision for which a reconsideration is requested,
- c. state why the decision should be changed,
- d. state the outcome requested,
- e. include the name, an address for delivery, and telephone number of the applicant and, if the applicant is represented by counsel, include the full name, address for delivery and telephone number of the applicant's counsel,
- f. signed by the applicant or the applicant's counsel.

Despite the filing of a Notice of Reconsideration, the above orders remain in effect until the reconsideration application is determined. This Order will be published on the Commissioner's website.

Yours truly,

OFFICE OF THE BC CONTAINER TRUCKING COMMISSIONER



Duncan MacPhail
Commissioner