



February 16, 2017

Best Can Trucking Ltd.  
8230 – 152A Street  
Surrey, BC V3S 8N2

**Via Email: [dispatch@bestcan.ca](mailto:dispatch@bestcan.ca)**  
**Original to follow via mail**

Attention: Karamjit Sandhu

**Re: Best Can Trucking Ltd. (CTC Decision No. 02/2017) - Decision Notice**

Pursuant to Appendix D to Schedule 1 of the Container Trucking Services Licence, the then Acting Commissioner directed Best Can Trucking Ltd. (“Best Can”) to provide a compliance letter for directly employed drivers (“company drivers”) from a certified professional accountant (“CPA”) for the periods April 1, 2014 – April 30, 2014 and June 1, 2015 - June 30, 2015 (“the Appendix D audit period”).

On January 27, 2016, the Office of the British Columbia Container Trucking Commissioner (“OBCCTC”) received a compliance letter from Best Can’s CPA indicating that Best Can was in compliance with the *Act* during the Appendix D audit period.

Following receipt of the compliance letter, the then Acting Commissioner directed an OBCCTC auditor to conduct a spot audit, “... on the work performed by the CPA to determine that Best Can Trucking Ltd. was in compliance with the *Act*”.

The auditor reviewed the records provided by Best Can and concluded that during the Appendix D audit period Best Can was not paying the minimum rates of remuneration required under the *Regulation* to its company drivers. As a result the audit period was expanded to include the entire period between April 3, 2014 and November 1, 2015 (the date by which all company drivers were being paid the rate required under Section 13 of the *Regulation*).

The expanded audit disclosed that, in total, company drivers were owed an additional \$18,444.64. Best Can accepted the audit results and issued adjustment cheques to company drivers in the amounts calculated to be owing.

In Commissioner’s Decision No. 02/2017, I determined that this was an appropriate case to issue a penalty for the reasons set out in paragraphs 18 - 24. In that regard, I proposed to impose an administrative fine against Best Can in the amount of \$1,500.00. Consistent with s. 34(2) of the *Act* I advised Best Can that I would consider its written response to the proposed penalty if it was received within 7 days.

Best Can has not provided a written response within the time specified in the notice.

In the result I hereby order Best Can to pay an administrative fine in the amount of \$1,500.00. 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 \$1,500.00 payable to the Minister of Finance.

Finally, I note that Best Can may request a reconsideration of the Commissioner's Decision by filing a Notice of Reconsideration with the Commissioner not more than 30 days after Best Can 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