

August 9, 2017

Ray-Mont Logistics Vancouver Inc.
15900 River Road,
Richmond, BC
V6V 1L5

Ray-Mont Logistics Vancouver Inc. (CTC Decision No. 15/2017) – Decision Notice

In January of 2017 the Commissioner directed an auditor to audit the records of Ray-Mont Logistics Vancouver Inc. (“Ray-Mont”) to determine if its directly employed operators (“company drivers”) were being paid the minimum rates required under the *Container Trucking Regulation* (the “*Regulation*”). The auditor was directed to audit the periods April 1-30, 2014 and October 1-31, 2016 (together the “Initial Audit Period”).

The auditor determined that during the Initial Audit Period many of Ray-Mont’s company drivers were not being paid the minimum rates required under the *Regulation*. The auditor concluded that during the Initial Audit Period Ray-Mont owed company drivers adjustment payments totaling \$3,842.88.

Having discovered that Ray-Mont was paying non-compliant rates during the Initial Audit Period, the auditor expanded the scope of the audit to cover the entire period from April 3rd, 2014 to January 23rd, 2017, (the “Expanded Audit Period”).

Under the direction of the auditor Ray-Mont reviewed its records and calculated the total amounts of compensation its company drivers should have received during the Expanded Audit Period applying the minimum rates required under the *Regulation*. Comparing this amount to what was actually paid, it was determined that Ray-Mont owed its company drivers adjustment amounts totaling \$20,961.59. Ray-Mont accepted that it had failed to pay compliant rates during the Extended Audit Period and paid its drivers the adjustment amounts calculated to be owing.

In CTC Decision No. 15/2017, I determined that this was an appropriate case to issue a penalty for the reasons set out in paragraphs 10 - 19. In that regard, I proposed to impose an administrative fine against Ray-Mont in the amount of \$3,000.00. Consistent with s. 34(2) of the *Container Trucking Act* I advised Ray-Mont that I would consider its written response to the proposed penalty if it was received within 7 days.

Ray-Mont has not provided a written response within the time specified in the notice.

In the result I hereby order Ray-Mont to pay an administrative fine in the amount of \$3,000.00. 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 \$3,000.00 payable to the Minister of Finance.

Finally, I note that Ray-Mont may request a reconsideration of the Commissioner’s Decision by filing a

Notice of Reconsideration with the Commissioner not more than 30 days after Ray-Mont's 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