

January 17, 2018

Can. American Enterprises Ltd.
126 – 7475 135 Street
Surrey, BC V3W 0M8

Can-American Enterprises Ltd. (CTC Decision No. 01/2018) – Decision Notice

In Can-American Enterprises Ltd. (CTC Decision No. 01/2018) (the “Original Decision”), I determined that Can-American Enterprises Ltd. (“Can-American”) failed to pay its Independent Operators (“I/O’s”) the correct trip rates required under the *Container Trucking Act* (the “Act”) and *Container Trucking Regulation* (the “Regulation”) between June 29, 2015 and September 15, 2017. Through the audit process it was determined that Can-American was splitting trip rates for I/O’s who could not complete their deliveries within one day. The audit found that adjustments totaling \$7,112.50 was owed to three I/O’s.

In the Original Decision I concluded that this was an appropriate case to issue a penalty for the reasons set out in paragraphs 16-20 of the Original Decision. In that regard, I proposed to impose an administrative fine against the Companies in the amount of \$1,500.00. Consistent with s. 34(2) of the Act I advised the Companies that I would consider its written response to the proposed penalty if it was received within 7 days.

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

In the result, I hereby order Can-American to pay an administrative fine in the amount of \$1,500.00. Section 35(2) of the 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 Can-American may request a reconsideration of the Commissioner’s Decision by filing a Notice of Reconsideration with the Commissioner not more than 30 days after Can-American’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.

Dated at Vancouver, B.C., this 17th day of January, 2018.

A handwritten signature in blue ink, appearing to read 'Michael Crawford', written over a horizontal line.

Michael Crawford, Commissioner