



February 27, 2018

KD Truckline Ltd.  
Unit 160 – 7400 River Road  
Richmond, BC V6X 1X6

## **Commissioner’s Supplemental Decision KD Truckline Ltd. (CTC Decision No. 03/2018)**

### **Introduction**

1. In KD Truckline Ltd. (CTC Decision No. 03/2018) the Commissioner ordered KD Truckline Ltd. (“KD”) to:
  - a. bring itself into compliance with paragraph 3, of Appendix D to Schedule 1, and paragraph (g) of Schedule 2 of its Licence;
  - b. bring itself into full compliance with the rate requirements of the *Act* for the period from April 3, 2014 to October 31, 2014 for I/Os paid on-dock rates and for the periods from April 3, 2014 to October 31, 2014, December 1, 2014 to February 28, 2017, and April 1, 2017 to present for I/Os paid off-dock trip rates; and
  - c. report to the auditor outlining what steps it has taken to ensure proper record keeping as ordered above and what steps it has taken to ensure full compliance with the *Act*.
2. The Commissioner also proposed that a penalty of \$1,500.00 be paid by KD for failure to comply with the minimum rates required under the *Container Trucking Act* (the “*Act*”) and the *Container Trucking Regulation* (the “*Regulation*”) and failure to meet its record-keeping requirements under its Licence.
3. In accordance with section 34(2) of the *Act*, KD was given 7 days from receipt of the decision to provide the Commissioner with a written response setting out why the proposed penalty should not be imposed. KD did not provide a written response within the time specified in the decision, rather KD elected to pay the proposed penalty.
4. An Office of the BC Container Trucking Commissioner (“OBCCTC”) auditor was instructed to ensure that KD is in full compliance with the *Act* and its Licence for the period beginning April 3, 2014 to the date of the decision through the completion of an expanded self-audit. KD has completed its self-audit and the OBCCTC auditor has reviewed KD’s audit materials and provided a supplemental audit report which concludes that:

- The expanded self-audit ordered by the Commissioner has been completed and the Company has provided proof of additional adjustments paid. The combined total of the initial audit of November 2014 and March 2017, and the expanded self-audit has resulted in the payment of \$3,130.68 (including consequential increases in the required fuel surcharge) to the Independent Operators entitled to an adjustment.
- I am satisfied that the Company now understands the required rates for Independent Operators for both On-Dock and Off-Dock trips. The Company has also revised its standard trip sheet format in an attempt to have the drivers supply the necessary information.

**Decision**

5. I accept the findings of the auditor.
6. By way of this decision I record the final audit results which support the conclusion that KD is now in substantial compliance with the rates established and required under the *Regulation*. I also note that KD has paid the penalty proposed in KD Truckline Ltd. (CTC Decision No. 03/2018). Accordingly the audit process has now been completed and the audit is closed.
7. This decision will be delivered to the Companies and published on the Commissioner's website ([www.obcctc.ca](http://www.obcctc.ca)).

Dated at Vancouver, B.C., this 27<sup>th</sup> day of February, 2018.



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Michael Crawford, Commissioner