



February 26, 2019

Roadstar Transport Company Ltd.
PO Box 1090 222 Burton Avenue
Penticton, BC VOX 1W0

Roadstar Transport Company Ltd. (CTC Decision No. 01/2019) – Decision Notice

The Office of the BC Container Trucking Commissioner (“OBCCTC”) received a complaint alleging that Roadstar Transport Company Ltd. (“Roadstar”) violated section 28 of the *Container Trucking Act* (the “Act”) as well as Appendix A to Schedule 1 (f)(h) of the Container Trucking Services Licence (the “Licence”) when a Roadstar manager/dispatcher (Gurpreet Shoker – “Shoker”) withheld the Complainant’s wages, attempted to force the Complainant to sign a document stating he had received all money owed to him when he had not, and told the Complainant to advise OBCCTC staff that he had been paid in the event OBCCTC staff inquired about the status of the Complainant’s pay.

Following a OBCCTC investigation, it was determined that Roadstar violated section 24(2) of the *Container Trucking Regulation* and that Roadstar discriminated against the Complainant in violation of s. 28 of the *Act* when Shoker attempted to coerce the Complainant into misleading the OBCCTC and signing a document stating that he had been paid when he had not. These actions are also a violation of s. 1(f) and (h) of Appendix A to Schedule 1 of the Container Trucking Services Licence which prohibits licensees from requiring a trucker to misrepresent the monies paid to them and influencing a trucker regarding his or her right to compensation. It was also found that Roadstar violated section 6.17 of its Licence when it effectively transferred its tagged trucks to Olympia Transportation and/or Road Star Container Service Inc.

In Roadstar Transport Company Ltd. (CTC Decision No. 01/2019), I determined that this was an appropriate case to issue a penalty for the reasons set out in paragraphs 15-27. I proposed to cancel the licensee’s licence. Consistent with s. 34(2) of the *Act* I advised Roadstar that I would consider its written response to the proposed penalty if it was received within 7 days.

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

In the result, I hereby order that Roadstar Transport Company Ltd.'s Container Trucking Services Licence No. 60088 be cancelled. Roadstar may request a reconsideration of the Commissioner's Decision by filing a Notice of Reconsideration with the Commissioner not more than 30 days after Roadstar'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 order remains in effect until the reconsideration application is determined. This Order will be published on the Commissioner's website.

Dated at Vancouver, B.C., this 26th day of February, 2019.



Michael Crawford, Commissioner