



January 21, 2021

Aditya Mathur  
Badh & Associates  
#2015 – 7495 132 Street  
Surrey, BC V3W 1J8

Via Email: mathur@bandalaw.ca

Attention: Aditya Mathur

**Re: Notice of Order 2 against Safeway Trucking Ltd. and Coast Pacific Carrier Inc. to Comply with the *Container Trucking Act* (the “Act”) and Container Trucking Services Licence (the “Licence”)**

In Safeway Trucking Ltd./Coast Pacific Carrier Inc. (CTC Decision No. 11/2020) it was found that Safeway Trucking Ltd. and Coast Pacific Carrier Inc. (together the “Companies”) failed to pay one driver for all hours of container trucking services performed. The audit findings indicated that for the period between March 27, 2017 and April 17, 2017 the Companies owed one driver \$2,628.00 for 100 hours of container trucking services performed. The Companies were ordered to pay an administrative penalty of \$15,000.00 in Safeway Trucking Ltd./Coast Pacific Carrier Inc. (CTC Decision No. 11/2020) – Decision Notice.

The Companies applied for reconsideration. In a reconsideration decision dated December 14, 2020 (CTC Reconsideration Decision No. 14/2020), I concluded that a \$15,000 penalty remained appropriate. However, I also decided that the imposition of the penalty should be deferred pending the submission of evidence substantiating the Companies’ assertion that the economic impact of COVID-19 on the Companies has resulted in unusual financial hardship with the result that the Companies are unable to pay the \$15,000.00 administrative fine in one lump sum. The Companies provided evidence by the required deadline and on January 5, 2021 I extended the time period in which the Companies were required to pay the full amount of the penalty to April 1, 2021 and permitted the Companies to pay the penalty in three monthly installments of \$5,000.00, with the first payment due on February 1, 2021, the second payment due on March 1, 2021, and the final payment due on April 1, 2021.

The Companies now ask to make monthly payments of \$2,500.00 for a period of six months on the basis of financial hardship. This request raises serious concerns about the viability of the licensee’s businesses and their ability to carry out container trucking services. However, as previously noted, it is important that the Companies continue to provide trucking services at this time and that their drivers are paid pursuant to the *Act* and in accordance with the timelines set out in the *Container Trucking Regulation*.

Ministerial Order No. MO98 Limitation Periods (COVID-19) Order No. 2, issued under the *Emergency Program Act* and now enacted by s. 3 of the *Covid-19 Related Measures Act* [SBC 2020], c. 8, allows a person, tribunal or other body that has a statutory power of decision to waive, suspend or extend a mandatory time period relating to the exercise of that power.

Under this authority, I am extending the time period in which the Companies are required to pay the full amount of the penalty to July 2, 2021. The Companies are permitted to pay the penalty in six monthly

installments of \$2,500.00, with the first payment due on February 1, 2021, and the remaining installment payments due on the first business day of each subsequent month.

Failure to comply with this Order (failure to make payment of \$2,500.00 on February 1, 2020 or on any subsequent month) will result in the OBCCTC calling the Companies' security in the full amount of the penalty or the balance owing.

Failure to comply with this Order will also be viewed as serious non-compliance with the *Act*, and penalties for breach of the *Act* include suspension or cancellation of the Companies' licences and the imposition of fines up to \$500,000.

This Order will be published on the OBCCTC website as required by section 11 of the *Act*. This Order does not constitute notice of penalty pursuant to section 34 of the *Act*. However, if there is not compliance with this Order, subsequent notices of penalty will be issued.

Sincerely,

**OFFICE OF THE BC CONTAINER TRUCKING COMMISSIONER**

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

Michael Crawford  
Commissioner