



July 14, 2016

Dayal Transport Systems Inc.
13117 116 Avenue
Surrey, BC V3R 2S8

Via Email: dayaltransport@gmail.com

Attention: Mr. Dayal

Dear Sirs:

Re: CTC Decision No. 11/16 - Decision Notice

In November, 2015, pursuant to Appendix D to Schedule 1 of the Container Trucking Services Licence, the then Acting Commissioner directed Dayal Transport Systems Inc. ("Dayal") to provide a compliance letter for company drivers from a Certified General accountant for the periods between April 1, 2014 – April 30, 2014 and June 1, 2015 and June 30, 2015 ("the Appendix D audit period").

On February 15, 2016 the Office of the British Columbia Container Trucking Commissioner ("OBCCTC") received a compliance letter from Dayal's Certified Professional Accountant stating that Dayal was in compliance with the *Act* during the Appendix D audit period. Following receipt of the compliance letter the then Acting Commissioner directed an OBCCTC auditor to conduct a spot audit on the work performed by the Certified Professional Accountant to determine if Dayal was in fact in compliance with the *Act*.

The auditor determined that during the period from April 3rd, 2014 to March 31st, 2015 Dayal was not paying all of its drivers the hourly rate required under the *Container Trucking Regulation*. The audit further disclosed that it was not until April 25th, 2016 that Dayal made adjustments payments to retroactively bring itself into substantial compliance for this period.

In Commissioner's Decision No. 11/2016, I determined that this was an appropriate case to issue a penalty for the reasons set out in paragraphs 19 - 27. In that regard, I proposed to impose an administrative fine against Dayal of \$2,000.00. Consistent with s. 34(2) of the *Act* I advised Dayal that I would consider its written response to the proposed penalty if it was received within 7 days.

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

In the result I hereby order Dayal to pay an administrative fine in the amount of \$2,000.00. 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 \$2,000.00 payable to the Minister of Finance.

Finally, I note that Dayal may request a reconsideration of the Commissioner's Decision by filing a Notice of Reconsideration with the Commissioner not more than 30 days after Dayal's receipt of this Decision Notice. A Notice of Reconsideration must be:

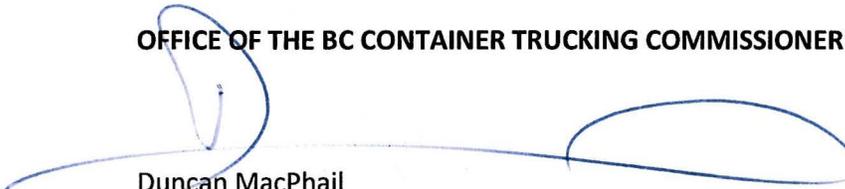
- a. made in writing,
- b. identify the decision for which a reconsideration is requested,

- 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 (www.bc-ctc.ca).

Yours truly,

OFFICE OF THE BC CONTAINER TRUCKING COMMISSIONER



Duncan MacPhail
Commissioner