



July 18, 2016

Seaville Transport Logistics Ltd.
107 – 669 Ridley Place
Delta, BC V3M 6Y9

Via Email: jas.khela@seavilletransport.com
Original to follow via mail

Attention: Mr. Khela

Dear Sirs:

Re: CTC Decision No. 12/2016 - Decision Notice

Following the receipt of complaints asserting that Seaville Transport Logistics Ltd. (“Seaville”) was not paying the rates required under the *Container Trucking Act* and the *Container Trucking Regulation* (together the “Legislation”) the then Acting Commissioner ordered that Seaville be audited to determine if Seaville was in compliance with the Legislation.

Seaville acknowledged to the auditor that during the period from April 3rd, 2014 to July 10th, 2015 it was not paying many of its drivers the minimum hourly rate required under the Legislation. The audit report disclosed that it was not until March of 2016 that Seaville made adjustments to retroactively bring itself into substantial compliance for this period.

In Commissioner’s Decision No. 12/2016, I determined that this was an appropriate case to issue a penalty for the reasons set out in paragraphs 21 - 31. In that regard, I proposed to impose an administrative fine against Seaville in the amount of \$5,000.00. Consistent with s. 34(2) of the *Act* I advised Seaville that I would consider its written response to the proposed penalty if it was received within 7 days.

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

In the result I hereby order Seaville to pay an administrative fine in the amount of \$5,000.00. 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 \$5,000.00 payable to the Minister of Finance.

Finally, I note that Seaville may request a reconsideration of the Commissioner’s Decision by filing a Notice of Reconsideration with the Commissioner not more than 30 days after Seaville’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.

Yours truly,

OFFICE OF THE BC CONTAINER TRUCKING COMMISSIONER

A handwritten signature in blue ink, consisting of a large loop on the left and a horizontal line extending to the right.

Duncan MacPhail
Commissioner