

September 27, 2016

Bestlink Transport Services Inc.  
Unit #300 – 8335 Meadow Avenue  
Burnaby, BC V3N 2W1

via email: [dispatch@bestlinktransport.com](mailto:dispatch@bestlinktransport.com)  
Original to follow via mail

Attention: Mr. Maninder S. Johal

Dear Mr. Johal:

**Re: CTC Decision No. 16/2016 – Decision Notice**

1. On November 18, 2015, pursuant to Appendix D to Schedule 1 of the Container Trucking Services Licence, the then Acting Commissioner directed Bestlink Transportation Services Inc. ("Bestlink") to provide a compliance letter for directly employed drivers ("company drivers") from a Certified General Accountant (the "CPA") for the periods between April 1, 2014 – April 30, 2014 and June 1, 2015 - June 30, 2015 ("the Appendix D audit period").
2. Following receipt of a compliance letter from Bestlink's CPA the then Acting Commissioner directed an Office of the British Columbia Container Trucking Commissioner auditor to conduct an audit to determine if Bestlink was paying its company drivers the minimum hourly rates required under the *Container Trucking Act* (the "Act") and the *Container Trucking Regulation* (the "Regulation") during the Appendix D audit period.
3. The records provided to the auditor indicated that Bestlink was not paying its company drivers the minimum hourly rates required under the *Regulation* during the Appendix D audit period. As a result the Commissioner directed a full audit of all company drivers for the period from July 7, 2014 to April 30, 2016.
4. After reviewing all of the records, including Bestlink's own calculations, the auditor determined that for the period running from July 7, 2014 to November 30, 2015 Bestlink failed to pay its company drivers the minimum hourly rates required under the *Act* and *Regulation* and owed its company drivers adjustment amounts totaling \$35,753.16.
5. In Commissioner's Decision No. 16/2016, I determined that this was an appropriate case to issue a penalty for the reasons set out in paragraphs 18 - 28. In that regard, I proposed to impose an administrative fine against Bestlink in the amount of \$7,000.00. Consistent with s. 34(2) of the *Act* I advised Bestlink that I would consider its written response to the proposed penalty if it was received within 7 days.
6. Bestlink has not provided a written response within the time specified in the notice.
7. In the result I hereby order Bestlink to pay an administrative fine in the amount of \$7,000.00.

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 \$7,000.00 payable to the Minister of Finance.

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



Duncan MacPhail  
Commissioner