



April 7th, 2017

United Coastal Logistics Ltd.
Box 97068, 7101C 120 Street
Surrey, BC V4E 0A1

Email: raj@ucltruck.com

Attention: Mr. Raj Dhillon

Dear Mr. Dhillon

Re: United Coastal Logistics Ltd. (CTC Decision No. 05/2017) - Decision Notice

Pursuant to Appendix D to Schedule 1 of the Container Trucking Services Licence, the then Acting Commissioner directed United Coastal Logistics Ltd. ("United Coastal") to provide a compliance letter for directly employed drivers ("company drivers") from a certified professional accountant ("CPA") for the periods April 1, 2014 – April 30, 2014 and June 1, 2015 - June 30, 2015 ("the Appendix D audit period").

On February 1, 2016, the Office of the British Columbia Container Trucking Commissioner ("OBCCTC") received a compliance letter from United Coastal's CPA indicating that United Coastal was mistakenly including vacation pay in its calculation of the compensations payable under Section 13 of the *Regulation*.

Following receipt of the compliance letter, the then Acting Commissioner directed an auditor to audit, the work performed by the CPA.

Following the engagement of the auditor, but prior to the auditor reviewing the requested records, United Coastal voluntarily undertook its own review of its payroll for the purpose of identifying and calculating adjustment amounts owing to company drivers resulting from the mistaken inclusion of vacation pay in the rates being paid.

The auditor reviewed the work undertaken by the CPA and by United Coastal. The auditor determined that company drivers were underpaid by a total of \$31,893.66. The auditor reported that United Coastal paid the amounts found to be owing in a timely way.

In Commissioner's Decision No. 05/2017, I determined that this was an appropriate case to issue a penalty for the reasons set out in paragraphs 15 - 22. In that regard, I proposed to impose an administrative fine against United Coastal in the amount of \$1,500.00. Consistent with s. 34(2) of the *Act* I advised United Coastal that I would consider its written response to the proposed penalty if it was received within 7 days.

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

In the result I hereby order United Coastal to pay an administrative fine in the amount of \$1,500.00. 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 \$1,500.00 payable to the Minister of Finance.

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