



May 3, 2017

TrasBC Freight Ltd.
400 Ewen Avenue
New Westminster, BC V3M 5B5

Via Email: jicky@transbc.com
Original to follow via mail

Attention: Inderjit Aulakh

Dear Sir:

Commissioner's Decision

TrasBC Freight Ltd (CTC Decision No.09/2017)

I. Introduction

1. TrasBC Freight Ltd. ("TrasBC") is a licensee within the meaning of the *Container Trucking Act* (the "Act"). Under Sections 22 and 23 of the *Act*, minimum rates that licensees must pay to truckers who provide container trucking services are established by regulation, and a licensee must comply with those statutorily established rates. In particular, Section 23(2) states:

A licensee who employs or retains a trucker to provide container trucking services must pay the trucker a rate and a fuel surcharge that is not less than the rate and fuel surcharge established under section 22 for those container trucking services.

2. Under Section 26 of the *Act*, any person may make a complaint to the British Columbia Container Trucking Commissioner (the "Commissioner") that a licensee has contravened a provision of the *Act*. Under Section 29, the Commissioner reviews such complaints and, under Section 31, may conduct an audit or investigation to ensure compliance with the *Act*, the *Container Trucking Regulation* (the "*Regulation*") or a licence. The Commissioner may initiate an audit or investigation under Section 31 whether or not a complaint has been received.

II. Investigation

3. In April of 2016 the Commissioner received a complaint alleging that TrasBC was not paying the correct rates to their independent operators performing container trucking services.
4. The Commissioner assigned an auditor to investigate the complaint. The auditor conducted a spot audit of TrasBC's independent operators covering the months of May 2014 and April of 2016. The auditor requested, received and reviewed relevant records and documentation provided by TrasBC.
5. The auditors report discloses that rates being paid by TrasBC during the audited months of May 2014 and April of 2015 complied with the rates required under the *Act* and *Regulation*. The Auditor also reports that there was nothing uncovered during the the audit process which would suggest that TrasBC was not paying its independent operators in accordance with the *Act* and

Regulation.

6. I accept the the auditor's findings.

III. Decision

7. In view of the auditor's conclusions I find that TrasBC was paying its independent operators rates which comply with those required under the *Act* and *Regulation*. As a result I find that the Complainant's allegations have not been proven and hereby dismiss the complaint.

This decision will be delivered to TrasBC and published on the Commissioner's website. (www.bc-ctc.ca).

Dated at Vancouver, B.C., this 3rd day of May 2017.

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

Duncan MacPhail, Commissioner