

May 16th, 2017

White Hawk Transport Ltd.  
13082 74 Ave  
Surrey, BC V3W 2S2

### **White Hawk Transport Ltd. (CTC Decision No. 11/2017) – Decision Notice**

Following the receipt of a complaint asserting that White Hawk Transport Ltd. (“White Hawk”) was not paying the rates required under the *Container Trucking Act* and the *Container Trucking Regulation* (together the “Legislation”) I ordered that White Hawk be audited to determine if White Hawk was in compliance with the Legislation.

In *White Hawk Transport Ltd.* (CTC Decision No. 11/2017) (the “Original Decision”), I found that White Hawk had failed to pay compliant rates to its Company Drivers. Additionally I determined that White Hawk failed to properly cooperate with the auditor during the audit process. More specifically I determined that White Hawk often failed to either respond to emails or to provide the information requested and often missed deadlines. Finally I found that White Hawk had violated the terms of its license by failing to keep proper records.

In the Original Decision, I concluded that this was an appropriate case to issue a penalty for the reasons set out in paragraphs 26 - 38. In that regard, I proposed to impose an administrative fine against White Hawk in the amount of \$6,200.00. Consistent with s. 34(2) of the Act I advised White Hawk that I would consider its written response to the proposed penalty if it was received within 7 days.

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

In the result I hereby order White Hawk to pay an administrative fine in the amount of \$6,200.00. 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 \$6,200.00 payable to the Minister of Finance.

Finally, I note that White Hawk may request a reconsideration of the Commissioner’s Decision by filing a Notice of Reconsideration with the Commissioner not more than 30 days after White Hawk 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, stylized loop on the left and a long horizontal stroke extending to the right.

Duncan MacPhail  
Commissioner