



September 7, 2017

Jete's Lumber Company Ltd.
1877 Upland Drive
Vancouver, BC V5P 2C5

Jete's Lumber Company Ltd. (CTC Decision No. 17/2017) – Decision Notice

In January of 2017 the Commissioner directed an auditor to audit Jete's Lumber Company Ltd. (Jete's) records to determine if its directly employed operators ("company drivers"), indirectly employed operators and independent owner operators ("I/O's") were being paid the minimum rates required under the *Container Trucking Regulation* (the "*Regulation*"). The auditor was directed to audit the periods April 1-30, 2014 and October 1-31, 2016 (together the "Initial Audit Period").

The auditor determined that during the Initial Audit Period Jete's paid its I/O's and indirectly employed operators the minimum rates required under the *Regulation*. Jete's did not, however, pay its company drivers the minimum rates required under the *Regulation*. The auditor concluded that during the initial audit period Jete's owed 12 company drivers adjustment payments totaling \$571.92.

Having discovered that Jete's was paying non-compliant rates during the Initial Audit Period, the auditor expanded the scope of the audit to cover the entire period from May 15th, 2015 to April 8th, 2017, (the "Expanded Audit Period").

Under the direction of the auditor, Jete's reviewed its records and calculated the total amounts of compensation its company drivers should have received during the Expanded Audit Period, applying the minimum rates and hours of service required under the *Regulation*. Comparing this amount to what was actually paid, it was determined that Jete's owed its 24 company drivers adjustment amounts totaling \$16,313,04. Jete's accepted that it failed to pay compliant rates during the Expanded Audit Period and it has now paid the adjustment amounts calculated to be owing.

In CTC Decision No. 17/2017, I determined that this was an appropriate case to issue a penalty for the reasons set out in paragraphs 15 – 19. I proposed to impose an administrative fine against Jete's in the amount of \$3,000.00. Consistent with s. 34(2) of the *Container Trucking Act* I advised Jete's that I would consider its written response to the proposed penalty if it was received within 7 days.

Jete's has not provided a written response within the time specified in the notice.

In the result, I hereby order Jete's to pay an administrative fine in the amount of \$3,000.00. 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 \$3,000.00 payable to the Minister of Finance.

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

Dated at Vancouver, B.C., this 7th day of September, 2017.



Michael Crawford, Deputy Commissioner