



September 19, 2017

Canaan Shipping Co. Ltd.
11371 Twigg Place
Richmond, BC V6V 3C9

Canaan Shipping Co. Ltd. (CTC Decision No. 19/2017) – Decision Notice

In April of 2017 the Commissioner directed an auditor to audit Canaan Shipping Co. Ltd.'s (Canaan) 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 June 1-30, 2014 and October 1-31, 2016.

The auditor determined that during the Initial Audit Period Canaan paid its company drivers, I/O's and indirectly employed operators the minimum rates required under the *Regulation*. Canaan did not, however, pay its I/O's the correct fuel surcharge required under the *Regulation*. The auditor concluded that Canaan owed three I/O's adjustment payments totaling \$7,746.22. Canaan accepted that it failed to pay the correct fuel surcharge and it has now paid the adjustment amounts calculated to be owing.

In CTC Decision No. 19/2017, 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 Canaan in the amount of \$1,500.00. Consistent with s. 34(2) of the *Container Trucking Act* I advised Canaan that I would consider its written response to the proposed penalty if it was received within 7 days.

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

In the result, I hereby order Canaan 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 Canaan may request a reconsideration of the Commissioner's Decision by filing a Notice of Reconsideration with the Commissioner not more than 30 days after Canaan'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 19th day of September, 2017.



Michael Crawford, Deputy Commissioner