



October 24, 2018

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

United Coastal Logistics Ltd. (CTC Decision No. 25/2018) – Decision Notice

In February of 2018, the Commissioner directed an auditor to audit United Coastal Logistics Ltd.'s ("UCL") records to determine if its independent owner operators ("I/Os") were being paid the minimum rates required under the *Container Trucking Regulation* (the "*Regulation*"). The auditor was directed to audit the period December 1-31, 2016.

The auditor determined that UCL reduced the remuneration of ten of its I/Os by a combined total of \$23,589.29 in order to "claw back" money previously paid to its I/Os by UCL. The auditor also concluded that UCL did not pay its I/Os the correct trip rates required under the *Regulation*. UCL was found to be owing \$18,708.40 to 20 I/Os for failure to pay for dead runs and pre-pulls performed by its I/Os during the period April 3, 2014 to June 30, 2018. UCL accepted that it clawed back money from its I/Os and failed to pay the correct rates. UCL paid the adjustment amounts calculated to be owing.

In United Coastal Logistics Ltd. (Decision No. 25/2018), I determined that this was an appropriate case to issue a penalty for the reasons set out in paragraphs 19-26. I proposed to impose an administrative fine against UCL in the amount of \$5,000.00. Consistent with s. 34(2) of the *Container Trucking Act* I advised UCL that I would consider its written response to the proposed penalty if it was received within 7 days.

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

In the result, I hereby order UCL to pay an administrative fine in the amount of \$5,000.00. 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 \$5,000.00 payable to the Minister of Finance.

Finally, I note that UCL may request a reconsideration of the Commissioner's Decision by filing a Notice of Reconsideration with the Commissioner not more than 30 days after UCL'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 24th day of October, 2018.

A handwritten signature in blue ink, appearing to read "Michael Crawford", is written above a horizontal line.

Michael Crawford, Commissioner