



April 27, 2020

Gur-ish Trucking Ltd.
12259 – 98A Avenue
Surrey, BC V3V 7S5

Email: gurishtruckingltd@gmail.com

Attention: Mr. Shingara S Dhesi

Dear Mr. Dhesi

Re: Notice of Order against Gur-ish Trucking Ltd. (“Gur-ish”) to Comply with the Container Trucking Act (the “Act”) and Container Trucking Services Licence (the “Licence”)

In Gur-ish Trucking Ltd. (CTC Decision No. 04/2020) it was found that Gur-ish purposefully miscalculated its drivers’ collective hours of service, resulting in rate underpayments. It was also found that Gur-ish failed to produce records, deliberately provided fabricated company records that were not consistent with driver pay records, failed to adequately explain these discrepancies to the OBCCTC auditor and was generally uncooperative. In addition to remuneration owed to drivers, Gur-ish was ordered to pay an administrative penalty of \$30,000.00.

In a reconsideration decision dated April 8, 2020 (CTC Reconsideration Decision No. 05/2020), the Commissioner decided that the penalty should not be reduced or cancelled because Gur-ish had failed to demonstrate that COVID-19 has affected its ability to pay the penalty. Gur-ish was directed to pay the penalty by no later than April 30, 2020.

Gur-ish has now requested an arrangement to pay the penalty in installments on the basis that it is currently unable to pay the penalty due to the COVID-19 pandemic and the company’s ongoing fiscal challenges. The OBCCTC has previously allowed for installment payments in limited circumstances where the finding of non-compliance has not been particularly egregious and has not involved circumstances of flagrant rate violation or violations of section 28 of the *Act* or Appendix A and E to Schedule 1 of the Licence. These are not the circumstances in this case, as Gur-ish’s violations were in fact serious.

However, the COVID-19 pandemic does pose a different set of unique circumstances which have resulted, among other things, in the Government of British Columbia deeming trucking to be an essential service and as such, it is important the Gur-ish be able to continue providing trucking services at this time.

Ministerial Order No. MO98 has also been issued under the *Emergency Program Act*. MO98 Limitation Periods (COVID-19) Order No. 2 allows a person, tribunal or other body that has a statutory power of decision to waive, suspend or extend a mandatory time period relating to the exercise of that power.

Therefore, under section 3 of the Limitations Period (COVID-19) Order No. 2, I am extending the time period in which Gur-ish is required to pay the penalty to August 31, 2020.

Failure to comply with this any part of this Order will be viewed as serious non-compliance with the *Act*, and available penalties under the *Act* include suspension or cancellation of Gur-ish's licence and the imposition of penalties up to \$500,000.00. This Order will be published on the OBCCTC website as required by Section 11 of the *Act*. This Order does not constitute notice of penalty pursuant to section 34 of the *Act*. However, if there is not compliance with this Order, subsequent notices of penalty will be issued.

Sincerely,

OFFICE OF THE BC CONTAINER TRUCKING COMMISSIONER

A handwritten signature in blue ink, appearing to read 'Michael Crawford', is written over a faint, illegible background.

Michael Crawford
Commissioner