



February 11, 2022

GRL Freightways Ltd.
7107 134A Street
Surrey, BC V3W 4V4

GRL Freightways Ltd. (CTC Decision No. 01/2022) – Decision Notice

In September 2020, the Commissioner directed an auditor to audit GRL Freightways Ltd.'s ("GRL") records to determine if its independent owner operators ("I/Os") were being paid the required minimum rates. The auditor was directed to audit the months of June 2018, July 2019 and April 2020. Following a complaint made by a GRL driver in July 2021, the auditor was also directed to review the Complainant's records and compare them with GRL's to determine if the Complainant had been paid for all container trucking services ("CTS") provided.

The auditor determined that GRL owed \$7,463.98 to 11 I/Os for failure to make the correct fuel surcharge payments and paid its I/Os hybrid rates when CTS were provided to certain customers. GRL accepted the auditor's findings and paid the adjustment amounts calculated to be owing. The auditor also reviewed the Complainant's records, compared them with GRL's records and identified 2.25 missing hours on one alternate timesheet provided by the Complainant. GRL denies paying the Complainant incorrectly and no other GRL drivers corroborated the Complainant's allegation. Port of Vancouver records did not identify any missing, unpaid hours of on-dock activity.

In GRL Freightways Ltd. (CTC Decision No. 01/2022), I determined that this was an appropriate case to issue a penalty for the reasons set out in paragraphs 23-31. I proposed to impose an administrative fine against GRL in the amount of \$5,000.00. Consistent with s. 34(2) of the *Container Trucking Act* I advised GRL that I would consider its written response to the proposed penalty if it was received within 7 days.

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

In the result, I hereby order GRL 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 GRL may request a reconsideration of the Commissioner's Decision by filing a Notice of Reconsideration with the Commissioner not more than 30 days after GRL'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 11th day of February, 2022.



Michael Crawford, Commissioner