



June 7, 2022

Best Can Trucking Ltd.
8230 152A Street
Surrey, BC V3S 8N2

Best Can Trucking Ltd. (CTC Decision No. 03/2022) – Decision Notice

In August 2021, the Commissioner directed an auditor to audit Best Can Trucking Ltd.'s ("Best Can") records to determine if its company drivers were being paid the required minimum rates. The auditor was directed to audit the months of July 2017, August 2018, November 2020 and May 2021.

The auditor determined that Best Can paid its drivers compliant rates during the months audited but the auditor could not confirm that Best Can had paid its drivers for all container trucking services in July 2017, August 2018, November 2020 because Best Can destroyed its timesheets after six months.

Best Can accepted the auditor's findings and stated that it would ensure that its records were kept correctly in the future and that all records would be available for future audits.

In Best Can Trucking Ltd. (CTC Decision No. 03/2022), I determined that this was an appropriate case to issue a penalty for the reasons set out in paragraphs 10-18. I proposed to impose an administrative fine against Best Can in the amount of \$1,500.00. Consistent with s. 34(2) of the *Container Trucking Act* I advised Best Can that I would consider its written response to the proposed penalty if it was received within 7 days.

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

In the result, I hereby order Best Can 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 Best Can may request a reconsideration of the Commissioner's Decision by filing a Notice of Reconsideration with the Commissioner not more than 30 days after Best Can'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 June, 2022.



Michael Crawford, Commissioner