



January 6, 2023

MLG Law Corporation
543 Granville Street, Suite 920
Vancouver, BC
V6C 1X8

Attention: Mr. Nazeer Mitha

Re: Pro West Trucking Ltd. – Audit

I am writing in response to your letter of August 19, 2022. As a newly appointed Commissioner, I have now had an opportunity to review the communications between the licensee and the OBCCTC concerning an audit that was initiated on November 12, 2020.

My understanding of your client's position is as follows:

1. The Auditor's identification of "trip splitting" is inconsistent with the Act and Regulation.
2. The Commissioner is time-barred from conducting an audit of the period of December 1, 2016 to December 31, 2021 based on Appendix D of the Licence, the British Columbia *Limitation Act*, and the doctrine of laches.
3. The Commissioner does not have the ability to determine monies owing using extrapolation.
4. The Commissioner does not have the authority to order a licensee to conduct a self-audit.

Furthermore, I understand that your client is not prepared to comply with former Commissioner Crawford's Order issued April 28, 2022 and amended July 27, 2022 (the "2022 Order").

As there are several issues to work through, my first steps will be as follows:

1. Issue a Decision based on:
 - (a) the months (August 2018 and September 2019) that were audited, as reported in the January 10, 2022 Audit Report; and
 - (b) your client's submissions (letters dated February 17, 2022, March 14, 2022, April 18, 2022, June 24, 2022, and August 19, 2022); and
 - (c) your client's decision not to follow the 2022 Order;

Based on the above, I order as follows:

Pro West Trucking Ltd. is to provide any additional submissions it wishes the Commissioner to consider in response to the following:

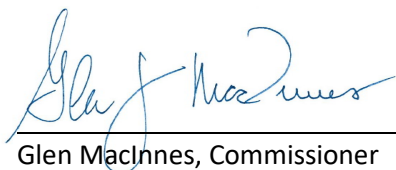
1. The two months audited in the January 10, 2022 Audit Report; and
2. Pro West's decision not to comply with the 2022 Order.

All submissions must be received by the OBCCTC by January 31, 2023.

Alternatively Pro West may decide to comply with the 2022 Order.

This Order will be published on the OBCCTC website as required by section 11 of the Act.

Dated at Vancouver, B.C., this 6th day of January, 2023.



Glen MacInnes, Commissioner

Cc: Bindy Sangara, Pro West Trucking Ltd.