



February 13, 2023

Ferndale Transport Ltd.  
2332 Whatcom Road  
PO Box 16071 Sumas Mountain  
Abbotsford, BC  
V3G 0C1

Via email: [rap@ferndaletransport.ca](mailto:rap@ferndaletransport.ca)

Original to follow via courier

### **Decision Notice**

#### **Ferndale Transport Ltd. (CTC Decision No. 05/2022)**

In *Ferndale Transport Ltd.* (CTC Decision No. 05/2022) (the “Original Decision”), I found the licensee Ferndale Transport Ltd. (“Ferndale”) paid two (2) drivers less than the required minimum hourly rate, failed to pay eleven (11) drivers for all hours worked, and failed to keep and maintain proper payroll records in accordance with the CTS license and legislation.

In the Original Decision, I determined that this was an appropriate case to issue a penalty for the reasons set out in paragraphs 53-68 and proposed an administrative fine of \$25,000.00. Consistent with s. 34(2) of the Container Trucking Act (the “Act”), I advised Ferndale that I would consider its written response to the proposed penalty if it was received within 7 days.

Ferndale responded it does not oppose the proposed penalty.

In the result, I hereby order Ferndale to pay an administrative fine in the amount of \$25,000.00. Section 35(2) of the Container Trucking Act requires that this fine be paid within 30 days of the issuance of this Notice. Payments should be made by delivering to the Office of the BC Container Trucking Commissioner (“OBCCTC”) a cheque in the amount of \$25,000.00 to the Minister of Finance.

Finally, I note that Ferndale may request a reconsideration of the Commissioner’s Decision by filing a Notice of Reconsideration with the Commissioner not more than 30 days after Ferndale’s receipt of the Decision Notice. A Notice of Reconsideration must be:

- a) Made in writing,
- b) Identify the decision for which reconsideration is requested,
- c) State why the decision should be changed,
- d) State the outcome requested,

- e) Include the name and 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.

The Original Decision and this Order will be published on the Commissioner's website.

Yours truly,

**OFFICE OF THE BC CONTAINER TRUCKING COMMISSIONER**

A handwritten signature in blue ink, appearing to read "Glen MacInnes".

Glen MacInnes, Commissioner

Cc: Monique Evans, Counsel  
Hunter Litigation Chambers