



December 7, 2023

West Coast Freight Ltd.
19675 98 Avenue
Langley, BC V1M 2X5

West Coast Freight Ltd. (CTC Decision No 15/2023) – Decision Notice

On or around October 20, 2023, a complaint was received through the Office of the BC Container Trucking Commissioner (“OBCCTC”) Confidence Line stating that West Coast Freight Ltd. (“WCF”) tagged trucks had been observed moving containers to/from marine terminals and that those containers were subsequently moved by untagged trucks or unlicensed companies to their ultimate destination within the Lower Mainland between October 3 to October 18, 2023. On October 25, 2023, the Office of the BC Container Trucking Commissioner (“OBCCTC”) invited WCF to provide a submission and requested payroll records to determine if WCF was compliant with the sections 22 and 23 *Container Trucking Act* (“Act”) and sections 6.15 and 6.16 of the Container Trucking Services licence (“CTS Licence”).

In West Coast Freight. (CTC Decision No 15/2023), I determined that WCF had paid the driver the required minimum rates pursuant to section 24 of the *Container Trucking Regulation* (the “*Regulation*”); however, I found WCF had violated section 6.15 and 6.16 of the CTS Licence and determined that this was an appropriate case to issue a penalty for the reasons set out in paragraphs 18-30. I also ordered WCF to comply with section 24(1) of the *Regulation* which requires company drivers to be paid semi-monthly and no later than 8 days after the end of the pay period. I proposed to impose an administrative fine against WCF in the amount of \$1,500.00. Consistent with s. 34(2) of the Container Trucking Act, I advised WCF that I would consider its written response to the proposed penalty if it was received within 7 days.

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

In the result, I hereby order WCF 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 WCF may request a reconsideration of the Commissioner’s Decision by filing a Notice of Reconsideration with the Commissioner not more than 30 days after WCF 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 decision notice along with the Commissioner's decision will be published on the Commissioner's website.

Dated at Vancouver, B.C. this 7th day of December, 2023



Glen MacInnes
Commissioner