



Mr. Glen MacInnes

Office of the British Columbia Container Trucking Commissioner

1085 Cambie Street Vancouver, BC V6B 5L7

## RE: OBCCTC 2024 CTS Licence Reform Proposed Changes - January 2024

We appreciate the commissioner's office performing a consultation period for the proposed changes. We believe it is the OBCCTC intent to regulate the off-dock work being performed by companies with the same directing mind as the licensee. We support this initiative by the OBCCTC but the changes proposed to capture this work is very restrictive and over reaching.

### 1. 3.1 Term length

**3.1** The Term of this Licence is from the date it is issued to **November 30, 2026**.

The proposed term length is 2 years, which is considerably low for our industry. It appears we went backwards as we effectively had a 4-year term (2-year term with a 2-auto renewal). The short-term length is crippling the licensee's ability to plan for growth. Most financing terms require companies to make minimum, commitment of 5 years when it is related to equipment financing and bank loans. With the added pressure for the Port of Vancouver truck age policy this makes the purchasing new equipment harder with no assurance of a longer licence term. We propose the OBCCTC match the previous 4-year licence term.

### 2. 6.16 Access to facilities

#### Access to Facilities

~~6.15~~**6.16** The Licensee can only perform Container Trucking Services at a facility in the Lower Mainland approved by the Commissioner.

This clause is very restrictive, we typically do not have control over the drop off location for containers. The off-dock terminal locations are selected by the shipping lines not the trucking companies. With this clause the OBCCTC is trying to regulate off dock terminals by putting the trucking companies in the middle. We suggest the OBCCTC work with off dock terminals directly outside of this licence to regulate what companies are allowed to access.

### 3. 6.24

**6.24** The Licensee must take all reasonable steps to ensure that every Trucker conducting Container Trucking Services on behalf of the Licensee complies with all of the Conditions of Licence.

What are the "reasonable steps". This clause puts the onus and responsibility on the licences, but we do not have control over a third party company and how they operate or conduct business. We recommend this clause be restricted to truckers with the same controlling mind as the licensee.

#### 4. 6.28 Ownership change upon death

~~6.29~~ 6.28 Unless the Commissioner expressly consents, in advance, ~~the~~ Licence terminates on change of control of the Licensee, which occurs by the transfer by sale, assignment, transmission on death, mortgage, trust, or any of means of any shares, voting rights, or interest which results in in either:

- (a) a change of beneficial ownership of one or more of the parties that comprise the Licensee; or
- (b) a change of the identity of a person who is the ~~D~~irecting ~~M~~ind of the Licensee.

This clause is contradicting as the commissioner cannot approve a change of control in advance when it is related to death of a owner/directing mind. As several licensee companies are multi generational family business, it is important to have a mechanism in place to allow the next of kin to take over and operate. We recommend an addition clause be added allow a change of ownership upon death.

#### 5. Appendix A

(i) The Licensee must not cooperate in any way, directly or indirectly, with a non-licensee who performs unregulated off-dock container trucking services between facilities and locations within the Lower Mainland.

This clause again puts the onus on the licence for something we do not control or have knowledge of. This should be “restricted to cooperating with a non licensee who has the same directing mind as the licensee “cooperating with a non licensee to perform off dock work”.

We thank you for the opportunity to provide feedback. We request a second round of feedback once the changes to the CTS licences are finalized by the OBCCTC.

Sincerely



Gurveen Bath

Principal