



November 19, 2024

Jeevan Chohan Transport Ltd.
9221 137 A Street,
Surrey, BC V3V 5W7

Jeevan Chohan Transport Ltd. (CTC Decision No. 10/2024) – Decision Notice

Overview

1. In [Jeevan Chohan Transport Ltd.](#) (CTC Decision No. 10/2024) (“Commissioner’s Decision”), I determined Jeevan Chohan Transport Ltd. (“JCT”) failed to provide the required payroll records in violation of Appendix D of its CTS license and transferred its truck tags to Super Star Transport Ltd. (“Super Star”) in violation of section 6.26 of its CTS license. An administrative penalty of \$20,000.00 was proposed.
2. I also determined that JCT is no longer performing container trucking services and provided notice under section 21(1) of the *Container Trucking Act* (“Act”).
3. Consistent with s.34(2) of the *Act*, JCT was given seven (7) days to provide a written response setting out why the proposed penalty should not be imposed. JCT did so within the specified timeframe. I have considered JCT’s submission and provide the following Decision Notice.

JCT’s Response

4. JCT states that it disagrees with the findings in the Commissioner’s Decision that it no longer performs container trucking services and suggests that it continues to operate as a joint venture with Superstar. JCT does not provide any substantive explanation or evidence.
5. JCT maintains that some of the requested records were partially provided to the Office of the BC Container Trucking Commissioner (“OBCCTC”) during a separate audit of Super Star and it has access to some payroll records and speculates that the OBCCTC has some of the other records.
6. JCT states that it has no source of income since the sale of JCT to Super Star and this should be considered as a mitigating factor against imposing the \$20,000 fine.
7. Finally, JCT states that it is willing to surrender its CTS license in exchange for the OBCCTC’s waving the proposed \$20,000.00 fine and refraining from publishing the Decision Notice.

Consideration of the Licensee’s Response

8. JCT’s response is contradictory in that it maintains it still performing container trucking services in some joint venture fashion but that it has no source of income to pay the proposed administrative penalty. I infer from JCT’s response that it has no source of income because it no longer performs

container trucking services.

9. While financial hardship is not generally considered when proposing penalties, JCT has provided no evidence to support its assertion that it is unable to pay an administrative penalty due to financial hardship in any event. Licensees are also required to have a security that can be used to pay wages and penalties. I note that the JCT's security amount is much greater than the proposed penalty.
10. Finally, it would be JCT's decision to voluntarily surrender its CTS licence, but I am not prepared to accept its suggestion that such an act be contingent on my waiving proposed administrative penalties or not publishing decisions. I find that accepting such a proposal would be contrary to the purposes of the *Act* as it would permit licensee to escape accountability for breaches of the *Act* and deny the public an understanding of why decisions were made.
11. Finally, I note that JCT has not provided the required records and I am still unable to determine if its drivers were properly paid the minimum regulated rates.

Conclusion

12. Having carefully considered JCT's submission, and for the reasons outlined above and in the Commissioner's Decision, I will not refrain from imposing a monetary penalty or cancelling JCT's CTS license.
13. In the result, I hereby order JCT to pay an administrative penalty of \$20,000.00. Section 35(2) of the *Act* requires this fine be paid within 30 days of the issuance of this Decision Notice. Payment should be made by delivering to the OBCCTC a cheque in the amount of \$20,000.00 payable to the Minister of Finance.
14. I also hereby cancel JCT's CTS License No. 22-056 effective immediately and give notice of same pursuant to section 21(2) of the *Act*. I order that the truck tags assigned to JCT under its licence be returned to the OBCCTC.
15. Finally, I note that JCT may request a reconsideration of this Decision Notice by filing a Notice of Reconsideration with the Commissioner not more than 30 days after the company'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; and
 - f) signed by the applicant or the applicant's counsel.

16. 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 OBCCTC's website.

Dated at Vancouver, B.C., this 19th day of November 2024.

A handwritten signature in blue ink, appearing to read "Glen MacInnes". The signature is fluid and cursive, with the first name "Glen" and last name "MacInnes" clearly distinguishable.

Glen MacInnes
Commissioner