



January 23, 2025

Team Transport Services Ltd.
8970 River Road
Delta, BC V4G 1B5

Commissioner's Decision

Team Transport Services Ltd. (CTC Decision No 16/2024) – Supplemental Decision Notice

Introduction

1. On November 30, 2024, the Office of the BC Container Trucking Commissioner (“OBCCTC”) had the opportunity to review submissions dated November 20, 2024 from Team Transport Services Ltd. (“Team Transport”) in response to a November 14, 2024 Decision, and after I had already issued a November 29, 2024, Decision Notice (CTC Decision No. 16/2024). I have considered those submissions and have provided this supplement to my Decision Notice.

Commissioner's Decision and original Decision Notice

2. At the time of the audit underlying the Commissioner's Decision and the Decision Notice, Burton Delivery Service Ltd. (“Burton”) was a licensee within the meaning of the Act.
3. As per a BC Company Summary, Burton (along with other amalgamating companies) was amalgamated into Team Transport Services Ltd. (BC Incorporation Number 1489914) effective July 1, 2024.
4. For the purposes of this decision, I will reference Team Transport.
5. In the November 14, 2024 Decision, I found that Burton (now Team Transport) failed to equip its trucks with the required equipment to electronically track hours/trips worked and failed to create electronically generated payroll records between December 1, 2022 and November 30, 2023 in breach of sections 6.7 and 6.10 of its CTS Licence. I proposed an administrative penalty of \$6,000.00. I also ordered Team Transport to review Burton's payroll records for May and June 2023 to ensure Burton was compliant with the Rate Order and report its findings to the OBCCTC no later than 30 days following the date of the decision (“Commissioner's Decision”).
6. In accordance with 34(2) of the Act, gave Team Transport notice of the proposed penalty and provided 7 days from the receipt of the Commissioner's Decision to provide a written response setting out why the proposed penalty should not be imposed.
7. On November 29, 2024, I issued a Decision Notice ordering Team Transport to pay an administrative penalty of \$6,000.00 and noting that Team Transport had not provided a response to the proposed penalty.

8. On December 6, 2024, Team Transport called the OBCCTC to confirm that it had sent a submission (“Submission”) in accordance with s. 34(2) of the Act and provided a copy of an email dated November 20, 2024 attaching the Submission. The Registrar searched for the Submission and discovered that it had been directed to the junk folder on November 20, 2024.

Decision Notice

9. I accept that an error resulted in the Submission not reaching me by the prescribed deadline.
10. As the original Decision Notice was issued before I could consider the Submission, I have considered Team Transport’s Submission and supplemented my Decision Notice.
11. Team Transport does not dispute that it was in breach of section 6.7 and 6.10 of its CTS licence and states that it has taken steps since the Audit Report to invest in and upgrade its electronic tracking and electronically generated payroll system, which measures are designed to prevent future non-compliance.
12. Team Transport also recognizes its late implementation of the overtime rate. It advises that it has reviewed its payroll records and confirms that all its drivers were paid the appropriate overtime for the period of May 1 to June 30, 2023. It also advises that it has taken steps to ensure accurate record-keeping and timely payment of overtime wages going forward.
13. Team Transport suggests that these efforts demonstrate its “good faith and dedication to meeting regulatory standards” and that the administrative penalty ought to be reduced.

Supplemental Decision Notice

14. As outlined in the Commissioner’s Decision at paragraph 24, I acknowledge that Team Transport has since become compliant with sections 6.7 and 6.10, albeit nearly a year after the introduction of those two provisions. Team Transport does not provide any explanation for its failure to comply with section 6.7 or 6.10 for nearly a year despite the warning described in paragraph 22 of the Commissioner’s Decision and I do not find Team Transport’s suggestion that its subsequent effort in and of itself warrants a lower administrative penalty.
15. I also do not find it appropriate to reduce the administrative penalty because Team Transport complied with my order to review its payroll records and found that it did not in fact owe any additional overtime payments between May 1 to June 30, 2023. First, licensees are required to comply with the rate requirements at first instance, as well as with orders issued under section 9. Second, the administrative penalty was not based on any failure by Team Transport to pay overtime between May and June of 2023 and therefore the fact that there were no additional monies owing is irrelevant to the administrative penalty.¹

¹ See paragraph 25 of the Commissioner’s Decision

Conclusion

16. For these reasons, I order Team Transport to pay a \$6,000 administrative penalty. 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 a cheque in the amount of \$6,000.00 payable to the Minister of Finance.
17. Finally, I note that Team Transport may request a reconsideration of the Commissioner's Decision by filing a Notice of Reconsideration with the Commissioner not more than 30 days after Team Transport's receipt of this Supplemental 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.
18. Despite the filing of a Notice of Reconsideration, the above orders remain in effect until the reconsideration application is determined.
19. This supplemental decision notice along with the Commissioner Decision will be published on the Commissioner's website (www.obcctc.ca).

Dated at Vancouver, B.C., this 23rd day of January 2025.



Glen MacInnes
Commissioner