



January 31, 2025

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

Commissioner's Decision
Jeevan Chohan Transport Ltd. (CTC Decision No. 02/2025)
(Application for Reconsideration of CTC Decision No.10/2024)

Introduction

1. On December 4, 2024, the Office of the BC Container Trucking Commissioner ("OBCCTC") received an application from Jeevan Chohan Transport Ltd. ("JCT") pursuant to section 38 of the *Container Trucking Act* ("Act") seeking reconsideration of the November 19, 2024, Decision Notice (CTC Decision No. 10/2024). JCT seeks a reconsideration of the \$20,000 administrative penalty and asks that the Commissioner's Decision, Decision Notice and, presumably, the Reconsideration, be removed from the OBCCTC website or, in the alternative, redacted to remove the references to Super Star Trucking Ltd. ("Super Star"). JCT is not seeking a reconsideration of its 2022 CTS license cancellation.

Commissioner's Decision and Decision Notice

2. On June 13, 2024, I found that JCT had failed to provide the required payroll records in violation of Appendix D to Schedule 1 of its 2022 CTS license and had transferred its truck tags to Super Star in violation of section 6.26 of its CTS license. I also determined JCT was no longer performing container trucking services and provided notice pursuant to section 21(1) of the *Act* of licence cancellation. I proposed an administrative penalty of \$20,000.00 and invited JCT to provide a response.
3. On November 19, 2024, after considering JCT's response, I issued the \$20,000 administrative fine. I also determined that JCT was no longer performing container trucking services and cancelled its license pursuant to section 21(2) of the *Act*.
4. The Commissioner's Decision and the Decision Notice were published on or around November 19, 2024.

Request for Reconsideration

5. JCT agrees that it should not have remained operationally integrated with Super Star following the sale of Super Star to new owners in May of 2022. However, JCT maintains that decision was an oversight and made out of expediency. It also says that its cooperative and transparent responses to the auditor are evidence that JCT did not intend to breach its CTS license.

6. JCT continues to try to rely on documents purportedly provided in the audits of Super Star after its sale to new owners as evidence that JCT drivers were paid in accordance with the Act. It argues that this should be considered when assessing the administrative fine. JCT urges me to infer that if Super Star was recently audited and found in compliance, then – *de facto* – JCT was audited and found in compliance. Furthermore, it states that the payroll records requested are with the OBCCTC.
7. For the first time, JCT argues that the OBCCTC knew or ought to have known that JCT drivers were working for Super Star when it conducted the Super Star audit. JCT appears to suggest that since the OBCCTC took no action at that time against JCT, it would be unfair to issue an administrative fine now.
8. JCT also argues that the \$20,000.00 administrative is excessive and, given its operational arrangement with Super Star, it generated no income and has no income to pay the administrative fine.
9. Finally, JCT requests that the OBCCTC not publish any of the decisions involved or at least redact any references to Super Star since Super Star played no part in any of JCT's errors and does not need its reputation tarnished.

Reconsideration

10. As I outlined in paragraph 23 in the Commissioner's Decision, I accept that JCT believed it could carry on with its business integration with Super Star after the sale in May 2022. However, the fact remains that JCT effectively stopped performing container trucking services and transferred its truck tags and licensee obligations to Super Star.
11. I cannot agree that JCT was co-operative or transparent during the audit. On the contrary, JCT insists that that OBCCTC should accept that Super Star has provided the records in question when the evidence clearly shows that no such records have been produced.
12. Other than JCT's mere assertion, I was provided with no evidence that Super Star advised the OBCCTC that it had accepted transferred tags or was providing payroll documents on behalf of JCT at the time of the Super Star audit. Given the integration of JCT drivers into Super Star's payroll system, it would have been reasonable to assume that all the payroll records were Super Star's records. As I outlined at paragraph 27 of the Commissioner's Decision, JCT has not provided the payroll records requested in the December 19, 2023, letter from the OBCCTC and it cannot rely on the audit of Super Star as the two audit periods were not the same. JCT still has not provided any evidence it provided the records to the OBCCTC as is their responsibility.
13. As I outlined at paragraph 9 of the Decision Notice, financial hardship is not generally considered when assessing a penalty and – in any event – JCT has not provided any evidence to support its assertion that it cannot pay an administrative penalty. JCT's suggestion that it transferred truck tags and any associated revenue generated from those truck tags to another licensee and was not compensated in any way is not credible.

14. In any event, and as noted in paragraph 9 of the Decision Notice, JCT has security in an amount greater than the penalty amount and that security can be used to cover penalties.
15. Finally, in KD Truckline Ltd. (CTC Decision No. 11/2024), I did not agree, *inter alia*, to redact company names because the redactions would limit the public's ability to review and understand the evidence and analysis. In this case, JCT relies on the sale of Super Star to new owners and JCT's continuing integration with Super Star following the sale as an affirmative defense. Redacting the company names from the decisions would limit the public's ability to understand the evidence and the analysis. Furthermore, I do not find JCT's speculative assertion that Super Star may be impacted by the publication of its name persuasive to overcome the public's right to know.
16. For the reasons set out above, I will not refrain from publishing the decisions in question or redact Super Star's name.

Conclusion

17. For these reasons, I confirm my decision to impose a \$20,000.00 administrative penalty and hereby dismiss JCT's application for reconsideration.
18. JCT's license has already been cancelled.

Dated at Vancouver, BC, this 31st day of January 2025.



Glen MacInnes
Commissioner