July 31, 2025

Provincial Transportation Ltd.
Unit 238 - 8138 128th Street
Surrey, BC V3W 1R1

Prudential Transportation Ltd
Unit 238 - 8138 128th Street
Surrey, BC V3W 1R1

Commissioner's Decisions
Provincial Transportation Ltd. (CTC Decision No. 20/2025) and
Prudential Transportation Ltd. (CTC Decision No. 21/2025) – Decision Notice

1. In Provincial Transportation Ltd. (CTC Decision No. 20/2025), I found that Provincial Transportation Ltd. ("Provincial") failed to maintain and provide payroll records and wage statements listing the deductions made in a pay period and the reasons for them in breach of Appendix D section (4)(f) of the CTS license, failed to pay a driver the PMR ($50.00) for two trips performed in May 2021 in breach of section 23 of the *Act,* and made improper deductions in breach of section 24 of the *Act* and Appendix E section (2) of the CTS licence when it deducted $175.00 for an administrative fine from a driver's wages in May 2022 and $1,000 from a driver's wages in December 2021 for towing Provincial's equipment from the scene of an accident. I proposed an administrative penalty of $4,500. I also ordered Provincial to pay the monies owing for the financial deduction and its failure to pay the regulated rates by no later than August 10, 2025. I further ordered Provincial to review its payroll records between November 1, 2019 and July 10, 2025 (excluding the months covered by the Audit Period) and make the necessary adjustments around monies owing to drivers and to adjust the wage statements provided to its drivers going forward and provide proof of having done so no later than September 1, 2025.

2. In Prudential Transportation Ltd. (CTC Decision No. 21/2025) I found that Prudential Transportation Ltd. ("Prudential") failed to maintain and provide payroll records and wage statements listing the deductions made in a pay period and the reasons for them also failed to provide the daily hour records for company drivers for December 2019, March and November 2020, May and December 2021, and March and April 2022 ("Missing Timesheets") in breach of Appendix D section (4)(f) of the CTS license, failed to pay a driver the PMR ($50.00) for a trip performed in May 2021 and a trip performed in July 2023 and failed to pay the regulated rates to multiple IOs in March and November 2020 and July 2023 due to mathematical errors ($884.15 total) in breach of section 23 of the *Act*. I also found Prudential had made improper deductions in breach of section 24 of the *Act* and Appendix E section 2 of the CTS licence when it deducted a total of $2,367.81 for business costs including multiple deductions from one driver to recover premiums paid to Worksafe BC. I proposed an administrative penalty of $9,000. I also ordered Prudential to pay the monies owing for the financial deductions and its failure to pay the regulated rates by no later than August 10, 2025. I further ordered Prudential to review its payroll records between November 1, 2019 and July 10, 2025 (excluding the months covered by the Audit Period) and make the appropriate adjustments around monies owing to drivers and to adjust the wage statements provided to its drivers going forward and provide proof of having done so no later than September 1, 2025.

3. Consistent with s. 34(2) of the *Act*, Provincial and Prudential (together the "Companies") were given seven days to provide written responses to Provincial Transportation Ltd. (CTC Decision No. 20/2025) and Prudential Transportation Ltd. (CTC Decision No. 21/2025) (together the "Decision").

4. On July 16, 2025, the Companies provided a response.

5. I have considered the Companies' response to the Decision and provide the following Decision Notices.

Companies' Response

6. The Companies provided an affidavit from the independent operator (IO) involved in the accident described at paragraphs 33 and 37 of the Decision, stating that he voluntarily agreed to allow Prudential to deduct $1,400 from his wages "to recover towing expenses" related to towing his truck on April 3, 2021. The Companies' submission explains that Prudential covered the costs of the "container and chassis" and paid the towing cost of Mr. Dhaliwal's truck and "these costs [for the truck only] were properly deducted from [the IO's] pay over two pay periods to minimize the financial burden on him."

7. The Companies also provided an affidavit from the IO who had Worksafe BC premiums deducted from his wages as described at paragraph 20 of the Decision, stating that he asked Prudential to take the deductions after he was unable to obtain an account with Worksafe BC on his own and that he made the declaration "freely, voluntarily, and without coercion or undue influence."

8. The Companies note that Commissioner's statement that Prudential was previously issued an administrative fine of $9,000 is incorrect and "we were never fined under CTC Decision No. 21/2017."

9. Finally, the Companies ask for an extension for complying with the orders set out in paragraph 57 of the Decision until January 15, 2026 due to the "significant volume of records" and multiple years of data involved.

Consideration of Licensee's Response

10. The Companies do not specifically respond to the proposed penalties, but I infer from their brief submission supported by affidavits that they seeks a reduction in the proposed penalty against Provincial because they do not agree with the Commissioner's finding that the IO's towing charges were improperly deducted. I similarly infer that the Companies are seeking a reduction of the proposed administrative penalty against Prudential because they do not agree with the Commissioner's finding regarding the deducted monies remitted to Worksafe BC and because Prudential has not in fact been subject to a previous $9,000 administrative fine.

11. For the reasons set out below, I am not persuaded by the Companies' submissions and have determined that the appropriate administrative penalty is $4,500 against Provincial and $9,000 against Prudential.

12. At paragraph 42 of the Decision, I explained that the towing invoices provided by the Companies were for moving a trailer (chassis) presumably owned by Provincial – not the IO's truck. The invoices are the consistent with the Companies submission that it paid to move the "container" and "chassis" – but do not explain how Provincial arrived at the $1,000 deduction from the IO's wages in December 2021. The

Companies have still failed to provide any supporting documentation of the $1,000 deduction from the IO's wages in December 2021 or the $1,400 in total he says in his affidavit was deducted. Simply put, I have been provided with no invoice that corresponds to the amount the IO says he agreed to pay to tow his truck and I am not prepared to entertain the permissibility of such a deduction without supporting documentation.

13. The Companies' submission does not change my conclusion that Prudential improperly deducted $1,350.01 from an IO's wages. At paragraph 44 of the Decision, I found that any payments Prudential remitted to Worksafe BC were based on its obligation to pay for the IO who worked for Prudential and therefore a Business Cost for which the licensee is responsible. It is trite law that the protections created by the *Act* are minimum requirements and cannot be waived or contracted out of and I do not find the IO's statement that he agreed to the deduction relevant.

14. At paragraph 6 of the Decision, I noted that in Prudential Transportation Ltd. (CTC Decision No. 21/2017), the Deputy Commissioner determined that Prudential made improper payroll deductions but did not issue an administrative penalty. At paragraph 54, I stated that I considered Prudential had again made unauthorized deductions, but I incorrectly stated that Prudential was issued a $9,000 administrative penalty. Given that prior conduct is relevant to penalty and given that prior contraventions of a similar nature are likely to result in escalating penalties, I remain convinced that that the proposed penalty of $9,000 is appropriate. Furthermore, the Companies did not address or challenge the other reasons for the penalty set out in paragraphs 50- 54.

15. Finally, the Companies provide no supporting evidence or explanation as to how they have determined within seven days of receiving the Decision that they will require an additional 14 weeks to comply with the orders set out in paragraph 57 of the Decision. I consider the September 1, 2025 deadline is a reasonable amount of time for the Companies to bring themselves into compliance and it is open to the Companies to seek an extension closer to September 1, 2025. My primary concern is that any monies owing to the Companies' drivers be paid without undue delay.

Conclusion

16. I am not persuaded to reduce or refrain from imposing the proposed administrative penalties. Having carefully considered the Companies' submissions, and for the reasons set out here and in the Commissioner's Decision, I order Provincial to pay an administrative fine of $4,500 and I order Prudential to pay an administrative fine of $9,000.

17. The orders made in paragraphs 56 and 57 of the Decision stand.

18. Section 35(2) of the *Act* requires this fine to be paid within 30 days of the issuance of this Decision Notice.

19. The Companies may request a reconsideration by filing a Notice of Reconsideration with the Commissioner not more than 30 days after its 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.

20. Despite the filing of a Notice of Reconsideration, but subject to section 39(2) of the *Act*, the above orders remain in effect until the reconsideration application is determined.

21. This Decision Notice along with the Commissioner's Decision will be published on the Commissioner's website.

Dated at Vancouver, B.C., this 31st day of July 2025.

Glen MacInnes
Commissioner