



August 14, 2025

Seaville Transport Logistics Ltd.
16268 River Road,
Richmond, BC V6V 1L6

Commissioner's Decision
Seaville Transport Logistics Ltd. (CTC Decision No. 23/2025)

Introduction

1. Seaville Transport Logistics Ltd. ("Seaville") is a licensee within the meaning of the Container Trucking Act ("Act").
2. Sealand Transport Ltd. ("Sealand") is a Related Person of Seaville as defined by the Container Trucking Regulation ("Regulation") but is not licensee within the meaning of the Act.
3. Section 16(1)(b) of the Act states that a licensee must carry out container trucking services in compliance with:
 - (i) this Act and the regulations,
 - (ii) the license, and
 - (iii) if applicable, an order issued to the person under the Act.
4. Under sections 22 and 23 of the Act, minimum rates that licensees must pay to truckers who provide container trucking services are established by the Commissioner ("Rate Order"), and a licensee must comply with those rates. Section 23(2) states:

A licensee who employs or retains a trucker to provide container trucking services must pay the trucker a rate and a fuel surcharge that is not less than the rate and fuel surcharge established under section 22 for those container trucking services.

5. The Rate Order establishes a lower hourly rate ("Lower Rate") for drivers who have worked fewer than "2,340 collective hours of container trucking services for any licensee or licensees" and a higher hourly rate ("Higher Rate") for those who have worked more.
6. On April 28, 2023, the Rate Order was amended to include overtime rates for company drivers and indirectly employed operators who work more than 9 hours in day and/or more than 45 hours in a week.
7. Under section 31 of the Act, the Commissioner may conduct an audit or investigation to ensure compliance with the Act, the *Container Trucking Regulation* (the "Regulation") or a licence.

8. On July 16, 2024, Seaville was advised that it was the subject of a random audit to determine if its company drivers were being paid the minimum rates required and was asked to provide certain payroll records.
9. This is Seaville's third audit. The first audit was completed in 2016 following a spot audit and Seaville was found to be in violation of the *Act* and the *Regulation* when it failed to pay its company drivers the Higher Rate between April 3, 2014, and July 10, 2016, as a result of which it owed its drivers \$38,991.39. An administrative penalty of \$5,000.00 was issued. The second audit was completed in 2019 and Seaville was found to be compliant with the *Act* and *Regulation*.

Audit Report

10. The OBCCTC requested payroll records for September and October 2020, May and July 2021, August and October 2022, January and February 2023 and March 2024 ("Audit Period"). After repeated requests, Seaville eventually provided all the payroll records requested.
11. Seaville included Sealand bank statements in its documents. Seaville explained that it employs all the drivers and pays those who are a part of the temporary foreign worker program while the rest of its drivers are paid through Sealand.
12. The auditor was initially unable to understand how Seaville determined certain drivers were only entitled to the Lower Rate and requested additional information. Seaville subsequently provided complete copies of nineteen job applications showing most of the drivers had performed fewer than 2,340 hours for any licensee as of each month of the Audit Period – with the exception of two drivers in March 2024. Over the course of the audit, Seaville noticed that two drivers in March 2024 were incorrectly paid the Lower Rate and calculated the shortfall and paid out the difference of \$443.35 to the two drivers on their July 12, 2024 pay cheques. Seaville provided supporting documentation of the payment to the auditor.
13. The auditor determined that Seaville had paid \$47.50 per hour for overtime in March 2024 when the regulated minimum rate was \$47.51. She determined that nine drivers were owed a total of \$2.09 for March 2024.
14. The auditor was initially unable to reconcile the number of daily hours recorded on the drivers' timesheets with the hours reported (if any) on their respective wage statements. Seaville explained that it paid the temporary foreign workers a trip rate (flat rate or per mile) for long haul moves but converted the trip rate amount into an hourly rate and added it to the wage statement. Seaville further explained that the wage statements were intentionally adjusted in this manner in order to meet a requirement under the temporary foreign worker program to demonstrate the driver worked 90 hours per pay period "regardless of the actual hours worked." Seaville provided the auditor with correspondence from the Government of Canada authorizing it to hire six drivers through a temporary foreign worker program to perform long haul work.

15. The auditor provided an example of a driver's ("MJ") wage statement:

MJ's wage statement for the pay period August 7, 2022 to August 20, 2022 shows he worked 90 hours at \$27.62 for a total of \$2,485.80. In addition, he was paid a salary of \$949.08 for a gross total of \$3,434.88.

Seaville explains that MJ was compensated as follows for the work in the pay period:

Long haul trucking services to Kelowna	= \$ 400.00
Long haul trucking services to Thornsby (1,461 miles x \$ 0.70)	= \$1,022.70
Long haul trucking services to Kelowna (\$400/25 x \$27.62)	= \$ 69.05
Regulated Container Trucking Services (55.87 hours x \$27.62)	= \$1,543.13
Total	= \$3,434.88

16. The auditor also provided another example of a driver's ("TP") wage statement for the December 25, 2022 to January 7, 2023 pay period that indicates he is paid a salary for container trucking services and does not include the hours of work performed or the hourly rate.
17. The auditor noted that during the Audit Period Seaville employed a total of seven drivers who were temporary foreign workers but similar discrepancies were found for 31 other drivers. Seaville did not always include the total number of hours worked or rate of pay in a pay period in the wage statements as required under Appendix D section (4)(f) to Schedule 1 of the 2022 CTS license.
18. The auditor was ultimately able to determine that Seaville, directly or through Sealand, paid the drivers who performed regulated container trucking services – including the drivers in the temporary foreign worker program – the regulated rates for container trucking services.
19. On April 30, 2025, the auditor completed an audit report ("Audit Report") and summarized her conclusions as follows:
- Seaville hindered the auditor by failing to provide payroll records—such as cancelled cheques, timesheets, and drivers' work history – originally requested in the July 16, 2024 Request for Records letter and only complied after multiple requests for the information.
 - Seaville paid two of its drivers less than the regulated rate in March 2024 when it incorrectly paid them the Lower Rate instead of the Higher Rate. Seaville corrected the error in July 2024 following the auditor's request for documents.
 - Seaville failed to record the total hours on the drivers' wage statements and failed to provide the auditor with the daily number of hours worked by each driver during the Audit Period.
 - Drivers who were hired through the temporary foreign worker program were issued wage statements that indicated they worked 90 hours a pay period even when they had not.

20. On May 15, 2025, the OBCCTC sent a copy of the Audit Report to Seaville and provided an opportunity to submit a response no later than June 14, 2025.

Response

21. On June 13, 2025, Seaville provided a submission in response to the Audit Report.
22. Seaville emphasizes that the Audit Report concluded that no additional wages were owed to the drivers and the failure to pay two drivers the regulated rates in March 2024 was an isolated incident and quickly corrected. In addition, Seaville states “each driver has access to track their hours daily. In fact, several drivers receive more than the port rate as a recognition of their hard work, and we also issue bonuses for outstanding performance.”
23. Regarding the wage statements for the temporary foreign workers, Seaville explains that it pays different types of rates for long haul work and converts the amount paid for long haul work into an hourly rate. Seaville acknowledges that this “may have been hard to interpret” but submits that it provided sufficient documentation to demonstrate that the proper rates were paid and has since taken steps to separate out regulated container trucking services work from long haul work on each driver’s wage statements.
24. Finally, Seaville argues that the mandate of the Commissioner is to ensure that drivers are paid the regulated rate and since the auditor determined that the drivers were paid the regulated rates a fine would be unwarranted.

Decision

25. Wage statements – or pay stubs as they are colloquially known – are important for licensees and drivers for key reasons. They provide a detailed record of hours worked, the applicable rates, earnings and deductions and ensure transparency in compensation. And in the case of a dispute, they are way of knowing whether a licensee has complied with its obligations.

Appendix D of the 2022 CTS license, which incorporates section 27(1)(b)(c) and (h) of the *Employment Standards Act*, requires licensees to provide wage statements that record the hours worked by the employee, the wage rate, and if the employee is paid other than by hour or by salary, how the wages were calculated for the work.

26. TP’s wage statement does not indicate the number of hours worked or his wage rate and despite Seaville’s claim that its drivers have access to all their hours worked, I was provided no evidence that TP was provided the number of hours he had worked at the time he was issued the wage statement. In any event, I find that the wage statement is not compliant with Appendix D section 4(f) to Schedule 1 of the 2022 CTS license.
27. Regarding the wage statements for the temporary foreign workers, Seaville’s efforts to demonstrate compliance with the temporary foreign worker program requirements do not permit

it to provide drivers with wage statements that are not compliant with Appendix D of the 2022 CTS license¹ and most certainly do not justify its producing inaccurate records. Seaville does not dispute that the wage statements of the seven temporary foreign workers were adjusted to reflect that they worked 90 hours a pay period “regardless of the actual hours worked” and the fact that supporting documentation could be used to interpret wage statements that were admittedly “hard to interpret” does not assist. The wage statements provided to the temporary foreign workers were inaccurate in that they did not reflect the actual hours worked.

28. Seaville does not dispute that it failed to pay two drivers the regulated rate in March 2024 and I am satisfied that the error was corrected and the drivers paid in July 2024. However, this does not change the fact that the two drivers were not paid the correct amount in March 2024 in breach of section 23 of the *Act* and section 24(1) of the *Regulation*.
29. Section 34 of the *Act* provides that, if the Commissioner is satisfied that a licensee has failed to comply with the *Act* or the terms of its licence, the Commissioner may impose a penalty or penalties on the licensee. Available penalties include suspending or cancelling the licensee’s licence or imposing an administrative fine. Under section 28 of the *Regulation*, an administrative fine may not exceed \$500,000 in cases relating to the payment of remuneration, wait time remuneration or fuel surcharge. In any other case an administrative fine may not exceed \$10,000.00.
30. The seriousness of the available penalties indicates the gravity of non-compliance with the *Act*. The *Act* is beneficial legislation intended to ensure that licensees pay their employees and independent operators in compliance with the rates established by the legislation. Licensees must comply with the legislation, as well as the terms and conditions of their licenses, and the Commissioner is tasked under the *Act* with investigating and enforcing compliance.
31. In keeping with the above-described purpose of the legislation, the factors which will be considered when assessing the appropriate administrative penalty include the following as set out in *Smart Choice Transportation Ltd.* (OBCCTC Decision No. 21/2016):
 - The seriousness of the respondent’s conduct;
 - The harm suffered by drivers as a result of the respondent’s conduct;
 - The damage done to the integrity of Container Trucking Industry;
 - The extent to which the licensee was enriched;
 - Factors that mitigate the respondent’s conduct;
 - The respondent’s past conduct;
 - The need to demonstrate the consequences of inappropriate conduct to those who enjoy the benefits of having a CTS licence;
 - The need to deter licensees from engaging in inappropriate conduct; and

¹ My understanding from the Audit Report is that Seaville issued temporary foreign workers who performed container trucking services wage statements that indicated they worked 90 hours in a pay period “regardless of the actual hours worked” in January and February 2023 and March 2024. Section 27 of the *Employment Standards Act* was first incorporated into Appendix D of the CTS license on December 1, 2022.

- Orders made by the Commission in similar circumstances in the past.

32. In HAP Enterprises Ltd. (CTC Decision No. 17/2016) Commissioner MacPhail emphasized the importance of proper record-keeping and I agree with the following:

The requirement to keep complete, accurate and up-to-date records is a fundamentally important obligation flowing from the legislation and the Container Trucking Services Licence (the “licence”). The maintenance of complete, accurate and up-to-date records by licensees is absolutely essential to the OBCCTC’s fulfillment of its rate compliance mandate and its ability to properly perform audits in a timely and fulsome way. Failure to keep proper records, including those required under both Paragraph 3 of Appendix D to Schedule 1, and under Schedule 2 of the licence, directly interferes with the audit process, will not be tolerated, and will be regarded as a serious violation of licensees’ obligations under the legislation and their licence. (para. 22)

33. While the auditor was ultimately able to confirm that Seaville did in fact pay the minimum regulated rates during the Audit Period – with the exception of the two drivers in March 2024 -- Seaville failed to provide the drivers with accurate and complete wage statements that detailed the hours worked and the applicable hourly rates, which prolonged the audit process unnecessarily. Incomplete or inaccurate record keeping is also unfair to the drivers as they unable to confirm if they were paid correctly and in accordance with the *Act*.
34. I have also considered Seaville’s previous audits. I recognize that Seaville was not previously penalized for failing to maintain proper records but was penalized for failing to pay the regulated rates to its company drivers. I have also considered that the missing wages in March 2024 were relatively small and nothing more is owed.
35. In this case, I find that there was a breach of the *Act* related to the payment of wages outside of the prescribed time period for work performed by two drivers in March 2024. I also find improper record-keeping in breach of the licence.
36. Considering all the factors present in this case, I conclude that this is an appropriate case to issue a penalty of \$3,000.00. Therefore, in accordance with s. 34(2) of the *Act* I hereby give notice as follows:
- a) I propose to impose an administrative fine against Seaville in the amount of \$3,000.00.
37. Should it wish to do so, Seaville has 7 days from receipt of this notice to provide the Commissioner with a written response setting out why the proposed penalty should not be imposed.
38. If Seaville provides a written response in accordance with the above, I will consider its response, and I will provide notice to Seaville of my decision to either:
- i. Refrain from imposing any or all of the penalty; or
 - ii. Impose any or all of the proposed penalty.

Conclusion

39. In summary, Seaville has been found to have violated the *Act* by failing to pay the regulated rate within the prescribed timeline in March 2024. Seaville has also breached its CTS licence by creating incomplete and/or inaccurate records which has interfered with the OBCCTC's ability to determine if Seaville has properly paid its drivers.
40. I have determined that it is appropriate to propose the imposition of \$3,000.00.

Dated at Vancouver, B.C. this 14th day of August 2025.

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