November 07, 2025

Gantry Trucking Ltd.
7453 124 Street
Surrey, BC V3W 3X2

TSD Holding Inc.
7453 124 Street
Surrey, BC V3W 3X2

Gantry Trucking Ltd. and TSD Holding Inc. (CTC Decision No. 11/2025) – Decision Notice

Introduction

1. In Gantry Trucking Ltd. and TSD Holding Inc. (CTC Decision No. 11/2025) ("Commissioner's Decision"), after a compliance audit, I determined Gantry Trucking Ltd. ("Gantry") and TSD Holding Inc. ("TSD") (together the "Companies") were in breach section 40 of the *Container Trucking Act* when they failed to comply with an order issued on October 10, 2023 ("Order") and arising out of an audit described in Gantry Trucking Ltd. and TSD Holding Inc. (CTC Decision No. 13/2023). The Order directed the Companies to review the circumstances of the 24 drivers identified in the June 16, 2023 Audit Report as receiving the Lower Regulated Rate and confirm the previous work experience of each driver and recalculate the wages owing to each driver based on the actual date those drivers reached the 2,340 hour threshold by no later than January 25, 2024.

2. I determined that this was an appropriate case to issue a penalty for the reasons set out in paragraphs 18 and 19 and, consistent with s. 34(2) of the *Act,* I proposed to impose an administrative fine against Gantry in the amount of $5,000.00 and an administrative fine against TSD in the amount of $5,000.00. I also proposed to impose a suspension of the Companies' respective licenses (24-042 and 24-038) until such time as they complied with my Order or for one week– whichever is sooner. I advised the Companies that I would consider a written response to the proposed penalty if it was received within seven days.

Companies' Submissions

3. The Office of the BC Container Trucking Commissioner ("OBCCTC") received the Companies' response to the Commissioner's Decision on May 6, 2025 (the "Original Submission"). The Companies maintained that they had complied with the Order, provided calculations of amounts owing and wages paid to drivers in the amount of $5,416.71 which they said demonstrated compliance with the Order, and appeared to suggest that the proposed penalties, including the suspension, should not be imposed.

4. I directed the auditor to review the Companies' calculations. The auditor then met with representatives of the Companies on July 2, 2025 to review the calculations and determined that the

Companies had not recalculated the wages in a manner consistent with the Order. The auditor also understood that the amount the Companies said had been paid was related to a previous order issued in Gantry Trucking Ltd. and TSD Holding Inc. (CTC Decision No. 13/2023).

5. The Companies then reviewed the wages paid to drivers who were paid the Lower Regulated Rate between August 1, 2018 and June 30, 2025, and calculated that drivers were owed $12,057.62. A copy of these calculations was sent to the OBCCTC on July 31, 2025 ("Second Submission").

6. The auditor reviewed the calculations in the Second Submission and determined that the Companies owed 31 drivers a total of $16,295.07 and explained the difference of $4,237.45 was the result of the following:

   (a) The Companies did not calculate amounts owing for one driver who was paid the Lower Hourly Rate. The adjustment for this driver totaled $807.31.
   (b) A formula error for one driver was identified in the Companies' calculations. The adjustment for this driver totaled $106.44.
   (c) The Companies had missed hours in the 2,340-hour count for one driver. The adjustment for this driver totaled $147.55.
   (d) The Companies did not include CTS hours a driver worked for a licensed company two months prior to that driver's employment with the Companies. The adjustment for this driver totaled $384.00.
   (e) The Companies incorrectly determined that three drivers were only entitled to the Higher Hourly Rate after August 1, 2018 and did not consider the number of hours worked by three drivers prior to August 1, 2018. As a result, three drivers did not have those hours counted towards the 2,340-hour threshold but, given their start dates and their hours as provided by the Companies, they would have achieved 2,340 hours by August 1, 2018. A total of $2,792.15 was owing to those three drivers after this adjustment.

7. A copy of the auditor's calculations was provided to the Companies on October 16, 2025 in a supplemental audit report and I invited the Companies to provide a response.

8. On October 27, 2025, the Companies provided a response ("Third Submission") that included a spreadsheet responding to the auditor's calculations. As I understand the Third Submission,, the Companies do not dispute that they miscalculated the amounts set out in paragraph 5(b) and (d) above. However, the Companies say that the drivers associated with paragraph 5 (a), (c) and (e) were "never paid less" and include wage statements and excel spreadsheets for four drivers for work performed prior to 2018. The Companies say that they owe 27 drivers a total of $12,695.61.

Consideration of Companies' Response

9. I have reviewed the wage statements provided by the Companies on the drivers dealt with in paragraph 5(a), (c) and (e) and I am unclear how the Companies conclude each driver was "never paid less" than the regulated hourly rate. As an example, the Companies provided wage statements for driver "A.S.B." from as early as January 1 - 15, 2017 showing that driver earning the Lower Hourly Rate and, according to the auditor's calculations, A.S.B. was still paid the Lower Hourly Rate in August 2018. While I have not calculated the total hours worked on the wage statements, it is clear

to me from the review of the bi-monthly wage statements that A.S.B. worked a considerable number of hours between January 1, 2017 and August 1, 2018. I accept that the auditor used the driver's start date and hours worked to determine if each driver was entitled to be paid the Higher Hourly Rate by August 1, 2018 and find that the auditor's calculations are correct.

10. The Companies failed to comply with the Order by the January 25, 2024 deadline, but I am satisfied that the amount owing to the drivers has been established. Accordingly, I no longer find it necessary to impose the proposed suspension of the Companies' licenses but I will order the Companies to pay the 31 drivers identified in the auditor's October 16, 2025 calculations the $16, 295.07 that I find is owing.

11. As I stated at paragraph 19 of the Commissioner's Decision, in proposing the administrative penalty, I considered that the Companies made some attempts to comply with the Order – albeit insufficient ones. I am not persuaded that the Companies would have completed the calculations set out in the Order but for the auditor's attempt to confirm their calculations. The Companies' July 31, 2025 calculations – inaccurate as they were - confirmed that they owed additional monies to drivers for work performed between August 1, 2018 and June 30, 2025 (including for the months covered by the Order) and the Companies did not provide any substantive submission about why they failed to comply with the Order.

12. In Forfar Enterprises Ltd. (CTC Decision No. 13/2025), I found that an administrative penalty of $5,000 was appropriate after the licensee initially failed to comply with an order to calculate outstanding wages owed to drivers but eventually complied. I adopt the same analysis here.

13. The Companies' delay in complying with the Order has compounded the delay in payment to these drivers, and I am not persuaded that an administrative penalty should not be imposed. The total quantum of monies owed based on the number of drivers involved is significant but not excessive. However, licensees are expected to comply with orders as set out in section 40 of the *Act* and the Companies' failure to do so caused delays and cost additional resources to ensure compliance. It was incumbent on the Companies to understand that the Order involved reviewing payroll documents to ensure that drivers are paid in a timely manner.

Conclusion

14. Having carefully considered the Companies' submission, and in light of all of the above-mentioned factors and circumstances, I remain convinced that an administrative penalty against Gantry and TSD is appropriate in this case.

15. In the result, I order Gantry to pay an administrative penalty of $5,000 and TSD to pay an administrative penalty of $5,000.

16. I also order the Companies to pay the 31 drivers identified in the auditor's October 16, 2025 calculations a total of $16,295.07 and provide confirmation of the same to the OBCCTC no later than November 21, 2025.

17. Section 35(2) of the *Act* requires these fines to be paid within 30 days of the issuance of the Decision Notice. Payment should be made by payable to the Minister of Finance and delivered to the Office of the BC Container Trucking Commissioner.

18. The Companies may request a reconsideration of the Commissioner's Decision by filing a Notice of Reconsideration with the Commissioner not more than 30 days after the Companies' 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,
    f. signed by the applicant or the applicant's counsel.

19. Despite the filing of a Notice of Reconsideration, and subject to section 39(2) of the *Act*, 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 Commissioner's website (www.obcctc.ca).

Dated at Vancouver, B.C. this 7th day of November 2025.

Glen MacInnes
Commissioner