October 8, 2025

Gulzar Transport Inc.
8760 River Road
Delta, BC V4G 1B5

Commissioner's Decision
Gulzar Transport Inc. (CTC Decision No. 30/2025)

Introduction

1. Gulzar Transport Inc. ("Gulzar") is a company performing prescribed container trucking services within the meaning of section 16 of the *Container Trucking Act* (the "*Act*") and is a licensee. Gulzar currently operates under a container trucking services ("CTS") licence that came into force on December 1, 2024 ("2024 CTS licence").

2. Under sections 22 and 23 of the *Act,* minimum rates that licensees must pay to truckers who provide specified container trucking services are established by the Commissioner via the Rate Order and licensees must comply with those statutorily established 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.

3. Section 24(2) of the *Container Trucking Regulation* ("*Regulation*") requires a licensee to pay remuneration to truckers who are independent operators ("IO") no later than 30 days after the end of the calendar month in which the IO performed the container trucking services.

4. 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 licence.

5. Gulzar has been the subject of two other Commissioner's decisions. In Gulzar Transport Inc. (CTC Decision No. 5/2016), the Commissioner found that Gulzar had failed to pay the minimum regulated rates between April 3, 2014 and May 31, 2015 and owed $121,517.27 in wages to 37 drivers. As Gulzar promptly rectified this, the Commissioner exercised his discretion not to issue a penalty. In Gulzar Transport Inc. and Jet Speed Transport Ltd. (CTC Decision No. 02/2021) (Reconsideration of CTC Decision No 12/2019), the Commissioner found that Gulzar and Jet Speed Transport Ltd. ("Jet Speed"), another licensee and Related Person of Gulzar, misclassified IOs as company drivers and engaged in a deliberate deception to cover up an estimated $1,159,379.49 in

wages owed to its drivers. The Commissioner's decision to cancel Gulzar and Jet Speed's licenses was judicially reviewed and the cancellation became moot after the term of the license expired. The Commissioner agreed to reconsider the penalty and imposed a $500,000 administrative fine.

6. On July 31, 2025, the Office of the BC Container Trucking Commissioner ("OBCCTC") received a complaint ("Complaint") that IOs at Gulzar were experiencing payment delays. The identity of the Complainant is being kept confidential pursuant to section 27 of the *Act.*

7. The Commissioner directed an auditor to determine if Gulzar's IOs were being paid pursuant to section 24 of the *Regulation*.

Investigation Report

8. The auditor spoke with Complainant on August 8, 2025 who provided the following information:

    i. Since the Complainant began working for Gulzar in March 2025, he has consistently been paid approximately 7 days beyond the regulatory deadline and is worried that the trend is not improving.
    ii. Gulzar sent a text message to IOs on June 25, 2025 to advise that their payment for container trucking services work performed in May 2025 would be available on July 7, 2025.
    iii. Gulzar sent a text message to IOs on July 30, 2025 to advise that their payment for container trucking services work performed in June 2025 would be available on August 11, 2025.

9. The auditor requested the Complainant's wage statements and cheque receipt dates, but the Complainant did not provide them, and the auditor was unable to confirm that payments in March and April 2025 were delayed based on information received from the Complainant. The Complainant did provide the auditor with the text messages described above.

10. On August 8, 2025, the auditor spoke with the owner of Gulzar, Mr. Satnam Sidhu, about the alleged delayed payments. Mr. Sidhu advised that IO pay cheques are typically issued during the first week of the month but stated he needed to consult with his payroll department after the auditor informed him of the text messages sent to IOs. Mr. Sidhu explained that payroll delays can occur if IOs are late in submitting the required documentation to process payroll but that he would consult with his payroll department to ensure future compliance with the regulated timeline.

11. On September 9, 2025, the auditor confirmed with the Complainant that the payment for work he performed in July 2025 was available for pickup on August 30, 2025 and she accepted this payment was compliant with section 24(2) of the *Regulation.*

12. On September 16, 2025, the auditor prepared an Investigation Report that concluded the following:

    - On July 7, 2025, Gulzar paid its IOs for container trucking services work performed in May 2025 and was not compliant with section 24(2) of the *Regulation.*
    - On August 11, 2025, Gulzar paid its IOs for container trucking services work performed in June 2025 and was not compliant with section 24(2) of the *Regulation.*
    - Two text messages sent to IOs on June 25 and July 30, 2025 appear to corroborate that Gulzar did not pay its drivers within the regulated timelines.
    - The Complainant stated he was paid at least seven days after the required deadline but did not provide the auditor with wage statements or cheques issued for March and April 2025 and the auditor was unable to confirm whether payment for those months was within the regulated time period.
    - Gulzar did not dispute there could have been delays due to IOs failing to provide the required documentation on time.
    - On August 30, 2025, Gulzar issued a pay cheque to the Complainant for container trucking services work performed in July 2025 and was compliant with section 24(2) of the *Regulation*

13. A copy of the Investigation Report that included copies of the text messages was provided to Gulzar on September 16, 2025 with a deadline to provide a submission no later than October 1, 2025. Gulzar did not provide a response by the deadline.

<u>Decision</u>

14. I accept the undisputed findings of the Investigation Report and I find that Gulzar was in breach of section 24(2) of the *Regulation* when it failed to pay its IOs wages earned within 30 days of the end of the calendar month for work performed in March, April, May and June 2025. In making my findings, I have accepted the Complainant's verbal evidence that he was not paid within the regulatory timelines for work performed in March and April 2025 because it was consistent with the delayed payments in May and June 2025 and the Complainant was forthright about when he was paid for work performed in July 2025. While the Complainant did not provide any corroborating evidence to the auditor, Gulzar's decision not to provide any contrary evidence in response gives greater weight to the Complainant's verbal evidence.

15. 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.

16. 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 IOs 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.

17. 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
    - Orders made by the Commission in similar circumstances in the past.

18. ADP Transport Ltd. (CTC Decision No. 11/2018), Safeway Trucking Ltd. (CTC Decision No. 10/2018), Roadstar Transport Company Ltd. (CTC Decision No. 20/2018), Embassy Transportation Ltd. (CTC Decision No. 13/2024), Pro West Trucking Ltd. (CTC Decision No. 14/2024), West Coast Freight Ltd. (CTC Decision No. 06/2025) and Smart Choice Transport Ltd. (CTC Decision No. 14/2025), each discuss the seriousness of repeated failures to pay drivers wages within the timelines and I adopt the analyses around the seriousness of these types of infractions here.

19. This investigation was initiated by a Complainant who was concerned about continuous delays in receiving his pay cheque and that the licensee has previously been found in serious breach of the *Act* and *Regulation* resulting in the delayed payment of over $1 million in wages. I find Mr. Sidhu's speculation that the delay may have been caused by the drivers themselves highly unlikely since the licensee has up to 30 days to gather the information prior to issuing payment. The June 25, 2025 text message to drivers sets a one-week deadline (July 2, 2025) to drop off their June payroll records and the deadline to pay the drivers was July 30, 2025. In any event, it is the licensee's responsibility to ensure that it has processes in place to ensure compliance with the *Regulation.* I also acknowledge that the delay in payment was not lengthy and when advised of the breach, Gulzar took steps to ensure the July 2025 payroll was issued on time.

20. Based on the above, I propose an administrative penalty of $6,000.00. Where the Commissioner has in other cases exercised his discretion to not impose a penalty where payment has been delayed (ADP Transport Ltd. (CTC Decision No. 11/2018), an administrative fine for breaches of section 24 of the *Regulation* have been issued when there were previous breaches of the *Act: see* West Coast Freight Ltd. (CTC Decision No. 06/2025) and Smart Choice Transport Ltd. (CTC Decision No. 14/2025). Gulzar has previously breached the *Act.*

21. Considering all the factors present in this case, I conclude that this is an appropriate case to issue a penalty. Therefore, in accordance with s. 9 and s. 34(2) of the *Act*, I hereby give notice as follows:

    a. I propose to impose an administrative fine against Gulzar in the amount of $6,000.00; and
    b. I order Gulzar to comply with section 24 of the *Regulation*.

22. Should it wish to do so, Gulzar 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.

23. If Gulzar provides a written response in accordance with the above, I will consider its response, and I will provide notice to Gulzar of my decision to either:

    a. Refrain from imposing any or all of the penalty; or
    b. Impose any or all of the proposed penalty.

Conclusion

24. In summary, Gulzar has been found to have violated the *Regulation* by failing to pay its IOs within the regulated timelines for work performed in March, April, May and June 2025. I have determined that it is appropriate to propose the imposition of a $6,000.00

25. This decision will be delivered to the licensee and published on the Commissioner's website (www.obcctc.ca) after the Decision Notice is issued.

Dated at Vancouver, B.C. this 8th day of October 2025.

Glen MacInnes
Commissioner