



January 28, 2026

IntermodeX Logistics Ltd.
16080 Portside Road
Richmond, BC V6W 1M1

IntermodeX Logistics Ltd. (CTC Decision No. 38/2025) – Decision Notice

Introduction

1. In [IntermodeX Logistics Ltd.](#) (CTC Decision No. 38/2025) ("Decision"), I found that between September 5 and 22, 2025, IntermodeX Logistics Ltd. ("IntermodeX") moved over 100 containers ("Impugned Containers") using untagged trucks ("Impugned Trucks") between facilities located at 18371 McCartney Way and 16080 Portside Road in Richmond, B.C., in breach of sections 6.16 and 6.17 of its 2024 CTS licence. I also found that IntermodeX failed to equip the Impugned Trucks with electronic recording technology in breach of section 6.7 of its 2024 CTS licence. Finally, I found that IntermodeX was in breach of section 23 of the *Container Trucking Act* ("Act") when it failed to pay its drivers the regulated rates. I proposed an administrative penalty of \$5,000.00.
2. IntermodeX was also ordered to review its payroll records between December 1, 2024 and October 22, 2025 and identify and correct any underpayments as a result of the contraventions noted in the Decision ("Order").
3. Consistent with s. 34(2) of the *Act*, IntermodeX was given seven (7) days to provide written response setting out why the proposed penalties should not be imposed.
4. On December 18, 2025, IntermodeX provided a submission in response to the Decision.
5. On January 16, 2026, IntermodeX provided a submission and accompanying payroll records it says demonstrate compliance with the Order. I have forwarded those to the auditor to confirm compliance but have assumed for the purposes of this decision notice that the materials demonstrate that Intermodex has complied with the Order.
6. I have considered IntermodeX's response to the Decision and provide the following Decision Notice.

IntermodeX's Response

7. IntermodeX states that it does not fully concur with the Commissioner's assessment, but respects the Decision and the role of the Commissioner. IntermodeX seeks a reconsideration of the proposed penalty generally on the basis that the following was not considered in accordance with the Smart Choice factors.

Immediate Compliance

8. In response to paragraphs 40 and 41 of the Decision, IntermodeX emphasizes that it took immediate action and ceased operating the Impugned Trucks as of October 20, 2025 (the date IntermodeX received the Investigation Report) and that all future movements between facilities were moved by its tagged trucks. IntermodeX argues that this immediate action demonstrates its commitment to remain compliant with the Act and its CTS licence.

Transparency and Cooperation:

9. IntermodeX states that it fully cooperated with the investigation and “provided additional container data beyond what was requested....”
10. IntermodeX disputes that the absence of recorded information about tagged trucks hinders the ability of the OBCCTC to ensure drivers are paid the regulated rates as mentioned in paragraph 35 of the Decision. In this case, IntermodeX acknowledges that while it “does not capture data to the same extent as for the OBCCTC-licenced trucks,” it argues that it maintains and has provided sufficient payroll information to demonstrate the “hours worked, the nature of the assignments, and applicable compensation rates.”

No Negative Impact

11. IntermodeX disputes that the amount owed to its drivers as a result of the breaches is “significant” as set out in paragraph 36 of the Decision. IntermodeX argues that the Commissioner based his assumption on the wage statements provided in response to the Investigation Report but failed to consider the drivers of the Impugned Trucks receive benefits in addition to their hourly rate and benefits are inclusive of the regulated rate. IntermodeX says that with the inclusion of employee benefits the drivers’ effective hourly rate is \$31.55 per hour and the total amount owing is \$9,500.00.
12. IntermodeX disputes that its limited use of shunt trucks to move containers caused damage to the integrity of the container trucking industry as set out in paragraphs 37 and 38 of the Decision.
13. IntermodeX argues that the use of untagged shunt trucks has not been previously addressed by the Commissioner as “evidenced by the numerous locations across the Lower Mainland where similar activities occur.”

Consideration of Licensee’s Response

14. For the reasons set out below, I am not persuaded by IntermodeX’s submissions and have determined that the appropriate administrative penalty is \$5,000.

Immediate Compliance

15. At paragraph 41 of the Decision, I accepted that the absence of any additional complaints after IntermodeX received the Investigation Report supported its argument that it took immediate steps to bring itself into compliance and accepted such actions a significant mitigating factor into my assessment of the proposed penalty.

Transparency and Cooperation:

16. I am having trouble reconciling IntermodeX's argument that it provided "additional container data beyond what was requested" and its acknowledgement that the Impugned Truck(s) "does not capture data to the same extent as for the OBCCTC-licensed trucks." IntermodeX may feel that it has provided sufficient information to determine whether or not a driver is paid the regulated rate, but the requirement for electronic container trucking services tracking data is essential to determining the accuracy and consistency of the payroll records provided to the OBCCTC.¹ IntermodeX does not particularize what specific "additional container data" it has provided, but the fact remains it did not provide the information requested and required by its CTS licence.

No Negative Impact

17. I addressed IntermodeX's arguments that using untagged trucks did not cause damage to the container trucking industry in the Decision and I am not persuaded by IntermodeX's mostly conclusory statements that the breaches have "no negative impacts."
18. According to IntermodeX's calculations and benefit assessment, seven drivers were underpaid by a total of \$9,500.00 which I find significant over a 11 month period (December 1, 2024 to October 22, 2025). I agree that other licensees have been found to owe more, and over a longer period of time, but that is reflected in the penalties in those cases which are generally higher.
19. Finally, I am not persuaded that the alleged "widespread" use of untagged shunt trucks is evidence that the Commissioner has not previously addressed the issue. At paragraphs 19 and 35 of the Decision, I cited HAP Enterprises Ltd. (CTC Decision No. 07/2024) – Commissioner's Decision, where I found the licensee in breach of its license when it used untagged shunt trucks.² Furthermore, IntermodeX's statement that there are other licensees performing similar container trucking services in breach of the Act does not mean that this is true and, if it is true, it does not mean that the alleged breaches are condoned. IntermodeX is encouraged to submit any complaints to the confidence line so that a proper

¹ The rationale for electronically generated data is set out extensively in CTS Licence Amendments Consultation Guide (April 2022).

² Paragraph 100.

investigation can occur.

Conclusion

20. I am not persuaded to reduce or refrain from imposing the proposed administrative penalty. Having carefully considered IntermodeX's submission, and for the reasons set out here and in the Commissioner's Decision, I order IntermodeX to pay an administrative fine of \$5,000.00.
21. IntermodeX's submission dated January 16, 2026 had been forward to the auditor to confirm compliance with the Order.
22. Section 35(2) of the *Act* requires this fine to be paid within 30 days of the issuance of this Decision Notice. Payment should be made by delivering to the Office of the BC Container Trucking Commissioner a cheque in the amount of \$5,000.00 payable to the Minister of Finance.
23. IntermodeX 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.
24. Despite the filing of a Notice of Reconsideration, but subject to section 39(2) of the *Act*, the above order remains in effect until the reconsideration application is determined.
25. This Decision Notice along with the Commissioner's Decision will be published on the Commissioner's website.

Dated at Vancouver, B.C., this 28th day of January 2026.



Glen MacInnes
Commissioner