



December 11, 2025

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

Commissioner's Decision

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

Introduction

1. IntermodeX Logistics Ltd. (“IntermodeX”) is a licensee within the meaning of the *Container Trucking Act* (the “Act”).
2. Section 16(1) of the *Act* states that a person must not carry out prescribed container trucking services in a prescribed area unless the person holds a license to carry out container trucking services in the specified prescribed area and the person carries out those container trucking services in compliance with:
 - i. this *Act* and the regulations
 - ii. the licence, and
 - iii. if applicable, an order issued to the person under this *Act*.
3. Under section 29 of the *Act*, the Commissioner must accept and review a complaint that a licensee or trucker has contravened a provision of the *Act*.
4. On September 22, 2025, the Office of the BC Container Trucking Commissioner (“OBCCTC”) received a complaint attaching videos and photographs and alleging that IntermodeX was continuously moving containers “up to 5 kilometers” between facilities in the Lower Mainland using untagged trucks.
5. IntermodeX was issued its first CTS licence on December 1, 2024 and has not been the subject of a previous audit or investigation.

Investigation

6. The complainant reported observing, between September 5 and 22, 2025, over 100 containers (“Impugned Containers”) moved by two different untagged shunt trucks on a public road between two nearby facilities located at 18371 McCartney Way and 16080 Portside Road in Richmond, B.C. (“Impugned Trips”). The shunt trucks were identified by BC license plates WX6810 and WP8089 (“Impugned Trucks”). The Impugned Trucks are owned and operated by IntermodeX.
7. On October 17, 2025, the OBCCTC wrote to IntermodeX regarding the Impugned Trucks that appeared to be performing container trucking services between September 5 and 22, 2025 without a valid OBCCTC tag (“Investigation Report”). The Investigation Report identified 114 containers by their container numbers and their respective chassis (“trailer”) license plate or unit number that

were moved by the Impugned Trucks. In addition, the Investigation Report identified the ocean carriers that appeared to own the Impugned Containers.

8. Intermodex was provided with an opportunity to respond to the Investigation Report and also required to provide the following information pursuant to section 32 of the Act and Appendix D to Schedule 1 of the 2024 CTS license:
 - Current registration and ICBC insurance documents for the shunt trucks.
 - Electronic container trucking services tracking data between September 1, 2025 and September 30, 2025 for the shunt trucks as required pursuant to section 6.7 of the 2024 CTS license.
 - Name, address, phone number and date of hire of drivers of the shunt trucks between September 1, 2025 and September 30, 2025.
 - Electronic payroll records, wage statements and trip sheet(s) associated with any driver of the shunt truck between September 1, 2025 and September 30, 2025.
9. On October 20, 2025, Intermodex provided a submission and some of the Required Information with the exception of the electronic container trucking services tracking data. Intermodex explains that it does not “maintain the same level of tracking for the activity as its CTS drivers” and therefore did not provide any electronic tracking information for the Impugned Trucks as requested.
10. On December 1, 2025, Intermodex confirmed to the OBCCTC the legal addresses of the two facilities and attached business licensees it was issued by the City of Richmond for each property.

Issues

11. Resolving the complaint requires me to decide whether the movement of the Impugned Containers by the Impugned Trucks constitutes “container trucking services.” If the answer is no, then I need not go any further. But if the answer is yes, I must determine if the Impugned Trips were “off-dock trips” and if Intermodex was required to assign and display truck tags on and equip each of the Impugned Trucks with an electronic device or technology that records the number of hours or and/or trips. Finally, if I find that the Impugned Trips were “container trucking services” and the truckers were not paid the regulated rates, I must determine the amount owed to the drivers and the appropriate administrative penalty and remedy – if any. I will address these issues accordingly.
12. I use the term “shunt trucks” in this decision, as it is used in the Investigation Report and in Intermodex’s submission but note that the term¹ is not used in the Act, Regulation or CTS licence. Generally, I understand this term to describe a self-propelled vehicle that can pull a trailer used to transport a container over shorter distances and that is smaller, slower and less powerful than the trucks that normally move containers over longer distances. Shunt trucks are normally used to move containers within a facility; however, some are licensed and registered under the *Motor Vehicle Act* to move containers on public roadways.

¹ Also colloquially known in the drayage sector as “yard trucks” and “terminal tractors.”

Impugned Trips were “container trucking services”

13. IntermodeX generally does not dispute that the Impugned Trucks moved the Impugned Containers² 1,300 meters via a “public roadway” between its “Vancouver Transload warehouse building” and a “staging area” within Richmond, BC where other licensees pick up the containers and bring them to their destination. According to IntermodeX, “on the surface this activity appears to be ‘container trucking services’...” but the movement of the Impugned Containers “is in no way related to, or part of, any commercial Container Trucking Service that IntermodeX undertakes with its OBCCTC tagged trucks.”

14. Section 1 of the *Act* provides the following relevant definitions:

“container” means a metal box furnished or approved by an ocean carrier for the marine transportation of goods;

“container trucking services” means the transportation of a container by means of a truck;

“trucker” means

(a) a person who has an ownership interest or a leasehold interest in a vehicle that is designed to be self-propelled,

(i) to which a trailer, within the meaning of the *Motor Vehicle Act*, that is designed, used or intended for the carriage of containers is or may be attached, and

(ii) by which a trailer described in subparagraph (i) is or may be drawn,

(b) an employee, within the meaning of the *Employment Standards Act*, of a licensee performing container trucking services, and

(c) a person who drives a vehicle described in paragraph (a) on behalf of

(i) a licensee, or

(ii) a person referred to in paragraph (a);

15. “Truck” is not defined in the *Act* or *Regulation*. However, it is undisputed that the Impugned Trucks (“shunt trucks”) are self-propelled and licensed and registered to operate on a roadway can pull trailers designed to move containers within the meaning of the *Motor Vehicle Act*. Accordingly, they are clearly trucks as contemplated in the definition of “container trucking services.” I note that “self-propelled truck” in the definition of “trucker” is not qualified by the size or power of the vehicle.

16. IntermodeX does not dispute that the Impugned Containers³ have indices of a “container” including serial number sequences like those containers that can/do transit via an ocean carrier and are owned by ocean carriers.

² IntermodeX states some of the container numbers were duplicates and others were erroneous and provides the container numbers moved by the Impugned Trucks between September 3 and 22, 2025.

³ I have reviewed the list of containers provided by IntermodeX and each have similar indices of a “container.”

17. IntermodeX does not dispute the Impugned Trucks transported the Impugned Containers over a self-reported distance of 1,300 meters each trip. I am therefore satisfied that that the IntermodeX was engaged in the “transportation” of “containers” by means of a truck.
18. Based on the above, I am satisfied that the Impugned Trips that involved the Impugned Trucks and Impugned Containers were “container trucking services.”
19. I am not persuaded by IntermodeX’s argument that the regulatory definition of “container trucking services” does not include container movements unrelated to a licensee’s “commercial” container trucking services – however IntermodeX defines “commercial.” The term “container trucking services” is unambiguous and does not explicitly or implicitly include the conditions and restrictions advanced by IntermodeX. At paragraph 100 of HAP Enterprises Ltd. (CTC Decision No. 07/2024) – Commissioner’s Decision, I rejected the argument that container movements that were not “revenue generating” for the licensee were excluded from the definition of “container trucking services”. I adopt a similar analysis here.

Impugned Trips were Off-Dock Trips

20. IntermodeX does not dispute that the “Vancouver Transload warehouse building” and the “staging area” are in Richmond, B.C. are locations separated by 1,300 meters (1.3 kilometers). It says that, “ideally, the building in which the containers are being transloaded has abundant parking space in and around the building to limit the amount of shunt activity,” and I infer from IntermodeX’s submission that those conditions do not exist and that is why it moved the Impugned Containers via the Impugned Trucks between the locations in Richmond.
21. Section 1(1) of the *Regulation* provides the following relevant definitions and provisions:

“Off-dock trip”, means the one movement of one or more containers by a trucker from one facility in the Lower Mainland to a different facility in the Lower Mainland, but does not include:

- (a) an on-dock trip, or
- (b) a movement of a container from one location in a facility to a different location in the same facility;

“facility”, means a location in the Lower Mainland where containers are stored, loaded, unloaded, trans-loaded, repaired, cleaned, maintained or prepared for shipping, but does not include a marine terminal;

22. IntermodeX appears to agree that the containers were “transloaded” in the “Vancouver Transload warehouse building” and were moved by truck to another location to be “staged.” Additionally, IntermodeX has separate business licences for each property which is consistent with the properties being two different facilities. Given that the two locations are geographically separated

but connected by public road, I find that the Impugned Containers were moved by the Impugned Trucks between two different facilities – not moved between locations within the same facility.

23. I have reviewed the wage statements issued by Intermodex to the drivers of the Impugned Trucks and given their deductions for Employment Insurance and Canada Pension Plan and union dues, I am satisfied that meet the regulatory definition of “employee” of a licensee who performs container trucking services.
24. In conclusion, given that the Impugned Containers are “containers,” and were moved between two different “facilities” by “truckers,” the Impugned Trips were Off-Dock Trips.

Impugned Trucks require Truck Tags and Electronic Tracking

25. Intermodex does not dispute that the Impugned Trucks were not assigned Truck Tags at the material times.
26. Section 6.16 of the CTS licence states that “the Licensee must carry out Container Trucking Services for On-Dock Trips and Off-Dock Trips using only Truck Tags allocated by the Commissioner on the conditions imposed by the Commissioner.” Section 6.17 states that “the Licensee must assign a Truck Tag to each truck performing Container Trucking Services for On-Dock trips and Off-Dock trips.” “Truck Tag” is defined as “an OBCCTC decal affixed to a truck pursuant to this Licence.”
27. Section 6.7 of the CTS licence requires “all trucks engaged in container trucking services” to be equipped with electronic device or technology that records the number of hours/trips performing container trucking services.
28. Having found that the Impugned Trucks were performing “container trucking services” and the Impugned Trips were “off-dock trips,” I find that Intermodex used the Impugned Trucks for off-dock container trucking services between September 5 and 22, 2025 without truck tags in breach of section 6.16 and 6.17 of its CTS licence.
29. It is also undisputed that Intermodex failed to equip the Impugned Trucks with an electronic tracking device or technology, and I find Intermodex is also in breach of section 6.7 of its CTS licence for this reason.

Drivers of Impugned Trucks were not paid the Regulated Rates

30. Intermodex provided wages statements for each of the six drivers who drove the Impugned Trucks that moved the Impugned Containers between September 5 and 22, 2025 and each driver was paid an hourly rate of \$28.05 for regular hours worked, \$42.075 for overtime hours and \$56.10 for double overtime. The applicable minimum hourly rate at the time was \$33.85 per hour for a company driver that performed less than 2,340 hours of container trucking services for any licensee and \$35.29 per hour for a company driver that performed 2,340 or more hours of container trucking services for any licensee.
31. None of the drivers who drove the Impugned Trucks between September 5 and 22, 2025 were paid the minimum hourly rates. Additionally, due to the lack of the electronic tracking data, I cannot

determine how many hours of container trucking services each driver performed during each pay period. Based on the above, I find that IntermodeX failed to pay the drivers of the Impugned Trucks the minimum regulated rates for the Impugned Trips and I will order IntermodeX to calculate the amount owing as set out below.

Proposed Penalty

32. Having determined that the Impugned Trips were container trucking services (off-dock), I found that IntermodeX was in breach of section 23 of the Act when it failed to pay the drivers of the Impugned Truck the minimum regulated rates for the Impugned Trips and also in breach of sections 6.7, 6.16 and 6.17 of its CTS licence when it failed to equip the Impugned Trucks with electronic recording technology and performed container trucking services without truck tags.
33. The seriousness of the available penalties indicates the potential 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 established rates. Licensees must comply with the legislation, as well as the terms and conditions of their license, and the Commissioner is tasked under the Act with investigating and enforcing compliance.
34. 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.

The seriousness of the respondent's conduct;

35. I have previously addressed the importance of licensees using tagged trucks when performing container trucking services, including ensuring that the work performed is accounted for in the performance assessment of the licensee. See for example: Tri-R Transport Ltd. (CTC Decision No 03/2023); Goodrich Transport Ltd. (CTC Decision No. 06/2023); Ferndale Transport Ltd. (CTC Decision No 07/2023), and HAP Enterprises Ltd. (CTC Decision No. 07/2024). The absence of recorded information about untagged trips also hinders the OBCCTC's ability to ensure drivers are correctly paid and its ability to ensure that there is a balance between the number of trucks/drivers and the amount of work available. The importance of paying drivers the minimum regulated rates has also been dealt with in many decisions.

The harm suffered by drivers as a result of the respondent's conduct;

36. The total harm suffered by drivers is unknown as I am unable to quantify the total amount owed at this time. However, given the regularity of the container moves over a three-week period and the difference between the hourly rate paid and the minimum regulated hourly rate, I expect the amount to be significant.

The damage done to the integrity of Container Trucking Industry;

37. Intermodex argues that no licensees lost work due to "internal shunting moves" and the "license holders benefit from the drayage moves generated from our transload service executed in Vancouver." Furthermore, Intermodex warns that if "the cargo was not transloaded, the containers would be loaded directly to destination via rail at the marine terminal and bypass the Vancouver market accordingly."
38. Even if I accepted Intermodex's assertion that the container work it performs is beneficial to the industry overall, I am not persuaded that the end justifies the means in this case. If overlooked or sanctioned, Intermodex's underpayment of drivers and use of untagged trucks could reintroduce the concerns that led to the initial labour disruptions. It is fair to say that such labour disputes would most certainly result in the containers "bypass[ing] the Vancouver market" and impact other licensees.

The extent to which the licensee was enriched;

39. I am unable to quantify how much the licensee was enriched by its breach of the Act for the reasons outlined in paragraph 31. However, Intermodex was able to effectively operate with two more truck tags for at least a three-week period than it was assigned. While it is difficult to quantify the enrichment, it is reasonable to conclude that Intermodex benefitted from the additional trucks performing container trucking services.

Factors that mitigate the respondent's conduct;

40. Intermodex states that it has altered its operational plan to "mitigate the use of shunt trucks on the public roadway effective Monday, October 20, 2025 to demonstrate our willingness to co-operate with the [OBCCTC] on this matter until we can meet to determine a sustainable path forward...."
41. I assume this means that Intermodex has discontinued using the Impugned Trucks (or any untagged trucks) after receiving the Investigation Report. No further complaints have been received. However, I was provided with no evidence that Intermodex has been paying the drivers of the Impugned Trucks the minimum regulated rates since receiving the Investigation Report. I note that licensees are expected to comply with the *Act, Regulation, and CTS license* and not wait for the Commissioner to issue a decision.

The need to demonstrate the consequences of inappropriate conduct to those who enjoy the benefits of having a CTS licence and the need to deter licensees from engaging in inappropriate conduct;

42. While I understand IntermodeX has only recently been issued a licence, the OBCCTC has published decisions, industry advisories and bulletins that set out the requirements to only use tagged trucks when performing container trucking services. IntermodeX engaged in a protracted breach of its CTS licence and I find that a penalty is needed to encourage IntermodeX to exercise appropriate diligence to learn and comply with the regulatory requirements.

The need to deter licensees from engaging in inappropriate conduct;

43. There is a need to demonstrate to the industry that there will be consequences for failing to use tagged trucks to perform container trucking services and/or pay the minimum regulated rates to drivers.

Orders made by the Commissioner in similar circumstances in the past;

44. Failure to use tagged trucks for container trucking services normally results in an administrative penalty. See for example: Tri-R Transport Ltd. (CTC Decision No 03/2023) (\$1,000 administrative penalty); West Coast Freight (CTC Decision No. 15/2023) (\$1,500 administrative penalty) Goodrich Transport Ltd. (CTC Decision No. 06/2023) (\$1,000 administrative penalty); Ferndale Transport Ltd. (CTC Decision No 07/2023) (\$1,500 administrative penalty);
45. In cases where licensees with previous penalties used untagged trucks and fail to pay the minimum regulated rate or the rate paid cannot be determined, the administrative penalties are higher. See for example Simard Westlink Inc. (CTC Decision No. 04/2024) – Reconsideration (\$9,000 administration penalty) and Canada Drayage Inc. (CTC Decision No. 26/2025) (\$10,000 administrative penalty).
46. I have decided that an administrative penalty of \$5,000 is appropriate. In assessing the appropriate penalty, I am mindful of the seriousness of the non-compliance but acknowledge the change in the licensee's behaviour regarding using untagged trucks. This penalty also serves as more general deterrence by discouraging licensees from engaging in non-compliant behaviour and thereby protects drivers generally.
47. In the result, and in accordance with section 9 and 34(2) of the *Act*, I hereby give notice of and order the following:
 - a. I propose to impose an administrative fine against IntermodeX in the amount of \$5,000.00; and
 - b. IntermodeX must review its payroll records between December 1, 2024 and October 22, 2025 and identify and correct any underpayments as a result the contraventions noted above.
48. IntermodeX has 45 days from the receipt of this decision to confirm to the OBCCTC it has reviewed its payroll records and compensated its drivers accordingly.
49. Should it wish to do so, IntermodeX has 7 days from receipt of this notice to provide the Commissioner with a written response setting out why the proposed penalty set out in paragraph 40(a) should not be imposed.

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

- a) Refrain from imposing any or all of the proposed penalties; or
- b) Impose any or all of the proposed penalties.

51. This decision will be delivered to IntermodeX and will be published on the OBCCTC's website (www.obcctc.ca) after its response period has closed.

Dated at Vancouver, B.C., this 11th day of December 2025.



Glen MacInnes
Commissioner