



April 22nd, 2016

Olympia Transportation Ltd.
8335 Meadow Ave.
Burnaby, BC. V3N 2W1

via email: [REDACTED]
Original via mail

Attention: [REDACTED]

Dear Sir:

Re: CTC Decision No. 02/16 - Decision Notice

In July of 2015 the then British Columbia Container Trucking Commissioner directed an audit to begin with respect to Olympia Transportation Ltd. ("Olympia"). This audit was used to determine if Olympia has complied with the requirements of the *Container Trucking Act*, *Container Trucking Regulation*, and the terms and conditions of the license that gives Olympia permission to carry out regulated container trucking services within the Lower Mainland. On April 1, 2016, following completion of the audit, I issued my decision to Olympia - CTC Decision #2/2016 ("the Commissioner's Decision") which found Olympia was not compliant with the legislation and the license requirements.

In the Commissioner's Decision, I determined that this was an appropriate case to issue a penalty for the reasons set out in paragraph 25. In that regard, I proposed to impose an administrative fine against Olympia of \$4,000.00. Consistent with s. 34(2) of the *Act* I advised Olympia that I would consider its written response to the proposed penalty if it was received within 7 days.

On April 7th, 2016 the Office of the British Columbia Container Trucking Commissioner received a written response from Olympia requesting that the Commissioner reconsider the proposed administrative fine.

In its written response Olympia does not deny that trip sheets were missing or that at the relevant time its payroll records were deficient. Many of the record keeping deficiencies identified in the auditor's report and recorded in the Commissioner's decision are not addressed. Olympia does not deny non-compliance. The main thrust of Olympia's written response appears to be that it did not intend to mislead, deceive or withhold documents and that it has taken steps to correct payroll issues.

The reasons for the proposed penalty are as recorded in the Commissioner's Decision. The reasons identify the failure to keep proper and sufficient records at the relevant time and non-compliance (neither of which are substantially denied in Olympia's written response). There was no finding of dishonesty, fraud or deceptive behaviour in the Commissioner's Decision. I accept that Olympia did not intend to mislead, deceive or withhold documents and that it has taken steps to correct payroll issues.

The written response has been considered. Based on the findings of the audit, the nature and severity of the violations and the written response of Olympia I remain satisfied that the proposed administrative fine of \$4000.00 is appropriate in the circumstances for the reasons outlined in the

Commissioner's Decision. I am not persuaded by Olympia's written response to refrain from imposing this this penalty. As noted in the Commissioner's Decision, the moderate amount of this penalty reflects the fact that it is the first instance a penalty has been imposed for this form of non-compliance.

In the result I hereby order Olympia to pay an administrative fine in the amount of \$4,000.00. Section 35(2) of the *Container Trucking Act* requires that this fine be paid within 30 days of the issuance of this Notice. Payment should be made by delivering to the Office of the BC Container Trucking Commissioner ("OBCCTC") a cheque in the amount of \$4000.00 payable to the Minister of Finance.

In addition I take this opportunity to remind Olympic of the orders found at paragraph 27 of the Commissioner's Decision:

Additionally, I make the following orders:

- a. Pursuant to Section 9 of the *Act*, I order Olympia to bring itself into compliance with paragraph 3, of Appendix D to Schedule 1, and paragraph (g) of Schedule 2 of its Licence including:
 - i. introducing, keeping and maintaining payroll records which properly report and track hours worked, rates of remuneration for drivers, trips completed each day by drivers on your behalf, total compensation before taxes and any other deductions are paid, and any deduction made from the drivers compensation and the reason for the deduction;
- b. Within 1 month of this decision that Olympia bring itself into full compliance with the rate requirements of the *Act* going forward from July 1, 2015 and continuing to the date of this decision;
- c. That by no later than May 9th, 2016 Olympia report to the auditor outlining what steps it has taken to ensure proper record keeping as ordered above and what steps it has taken to ensure full compliance with the *Act*.

Finally, I note that Olympia may request a reconsideration of the Commissioner's Decision by filing a Notice of Reconsideration with the Commissioner not more than 30 days after Olympia's 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.

Despite the filing of a Notice of Reconsideration, the above orders remain in effect until the

reconsideration application is determined. This Order will be published on the Commissioner's website.

Yours truly

OFFICE OF THE BC CONTAINER TRUCKING COMMISSIONER

A handwritten signature in blue ink, consisting of a large loop on the left and a horizontal stroke extending to the right.

Duncan MacPhail
Container Trucking Commissioner.