



April 10, 2026

Canadian National Transportation Ltd.
17569 104 Avenue,
Surrey, BC V4N 3M4

Commissioner's Decision

Canadian National Transportation Ltd. (CTC Decision No. 05/2026) (Application for Reconsideration of CTC Decision No. 01/2026)

Introduction

1. On February 27, 2026, the Office of the BC Container Trucking Commissioner ("OBCCTC") received an application from Canadian National Transportation Ltd. ("CNTL") pursuant to section 38 of the *Container Trucking Act* ("Act") seeking reconsideration of a January 27, 2026 Decision Notice (CTC Decision No. 01/2026) ("Decision Notice") and a January 14, 2026 Commissioner's Decision (CTC Decision No. 01/2026) ("Decision").

Commissioner's Decision and Decision Notice

2. In the Decision, I determined that CNTL violated sections 6.16, 6.17 and 6.22 of its 2024 CTS licence when it moved a total of five regulated containers in the Lower Mainland with untagged trucks and using unsponsored Independent Operators on December 1 and 7, 2025. I also advised CNTL that a full audit would be initiated to determine if CNTL is paying the regulated rates for the movement of containers captured by the Act and that when the audit is complete another Commissioner's Decision may be issued and the Commissioner may propose a separate administrative fine. I proposed an administrative penalty of \$7,000.00 in the Decision. Consistent with s. 34(2) of the Act, CNTL was provided with the prescribed seven days to respond.
3. CNTL provided a response by the deadline and in the Decision Notice I imposed a \$7,000 administrative fine to be paid within 30 days.
4. The Commissioner's Decision and the Decision Notice were published on or around January 28, 2026.

March 11, 2022 Email

5. On March 4, 2026, pursuant to section 38 of the Act, I extended the reconsideration deadline to March 17, 2026, to allow CNTL an opportunity to respond to email correspondence between CNTL and former Commissioner Crawford dated March 11, 2022. The March 11, 2022 email correspondence was located during an unrelated search in another matter and after the Decision Notice was issued.
6. On March 17, 2026, CNTL provided a submission in response to my March 4, 2026 correspondence.

Reconsideration

7. CNTL asks that I rescind my findings that it breached its CTS licence and rescind the order to pay the administrative fine.

Flawed Interpretation

8. CNTL argues that application of the *Act* and *Regulation* to the movement of containers that do not require access to a marine terminal is inconsistent with the purpose of the *Act* and Commissioner cannot expand his jurisdiction through his interpretation of the legislation or the CTS licence to the Impugned Containers.
9. CNTL argues that s. 2 of the *Regulation* limits the “prescribed container trucking services” in s. 16 of the *Act* to those container trucking services that “require access to a marine terminal” and that a plain and ordinary reading of the *Act* only establishes that a license is required to perform container trucking services but is “not required to move containers.”
10. CNTL restates that the Impugned Container moves “represented one leg of an interprovincial movement of a domestic container, primarily by rail...and during their journey the containers did not require access to a marine terminal, or any part of the port-drayage system.”¹
11. At paragraphs 34-40 of the Decision, I stated that I have extensively addressed the interplay between s. 16 of the *Act* and s. 2 of the *Regulation* and cited specific cases where similar arguments to those raised by CNTL have failed including Canada Drayage Inc. (CTC Decision No. 37/2025) - Reconsideration which summarized the interplay at paragraphs 15 and 16:

Section 2 of the *Regulation* defines the container trucking services prescribed for the purposes of section 16(1) as on-dock container services and the “prescribed area” as the Lower Mainland. Section 16(1)(a) does not use the adjective “prescribed” to qualify “container trucking services” but uses the adjective “specified prescribed” to qualify “area.” The difference in the wording within section 16(1) (“prescribed container trucking services”) and section 16(1)(a) (“container trucking services”) indicates that the legislature did not intend limit the container trucking service licence described in section 16(1)(a) to the “prescribed” container trucking service described in section 16(1). I also find that the adjective “the” in section 16(1)(b) is referring to the broader “container trucking service” in section 16(1)(a) given the sequential numbering.

To summarize, section 16(1) of the *Act* states that a person cannot carry out “prescribed” (on-dock) container trucking services” in a “prescribed area”(Lower Mainland) unless they hold a licence that gives them permission to perform “container trucking services” (on-dock and off-dock) and person carries out “the” (on-dock and off-dock) container trucking service in compliance with the *Act*, licence, and any order issued to the person under the *Act*.

¹ Para 11 of CNTL submission.

12. I am still not persuaded by CNTL's submission for reasons set out in the Decision and in the cases cited in the Decision. It is my view that the *Act* regulates "container trucking services" broadly and empowers the Lieutenant Governor in Council ("LGIC") to prescribe those container trucking services for which, and the geographic area in which, a container trucking services licence is required. It also allows the LGIC to establish the rates that the licensee must pay for "specified" container trucking services. The *Act* (specifically section 16) does not restrict the license requirement to container trucking services that require access to a marine terminal. The *Act* (specifically section 22) also does not restrict the LGIC (and later the Commissioner) from requiring licensees to pay a regulated rate for other than "prescribed" (for "specified") container trucking services.
13. CNTL's submission does not address what the scope of "prescribed" container trucking services might be on its analysis but appears to concede that the *Act* extends beyond "on-dock" moves and captures "off-dock" moves. CNTL appears to say that the *Act* extends only to those the container movements that are part of the "port drayage system" or access a marine terminal as part of the container's "journey." CNTL's interpretation expands "prescribed container trucking services" beyond container movements that require access to marine terminals (on-dock) but imports limitations that are inconsistent with the regulatory definition of "off-dock trip" and the "container trucking services" described in s. 16(1)(b), which do not require that off-dock moves are immediately adjacent to on-dock moves. I am not persuaded that the off-dock trips regulated by the *Act* must be "associated" (however that is defined) with a container's journey through a "marine terminal" (on-dock trip) or with the "port drayage system" (however that is defined) and I cannot import such ambiguous limitations on terms that neither the legislature nor the LGIC imposed.
14. In my view, the common thread in the definitions of "on-dock trip," "off-dock trip" and "container trucking services" is "container" – itself defined as a metal box capable of marine transport. A container will "at some stage" (generally – not necessarily with every move or every second or third move) access a marine terminal. Only licensees can move a container by truck to the marine terminal. In exchange for that exclusive access, licensees are required to pay their drivers the regulated off-dock rates to move containers between locations within the Lower Mainland other than marine terminals, because those containers have accessed, and will again access (although perhaps not immediately or imminently) a marine terminal. To permit licensees to pay less than the regulated rates to move the very containers that can and do move through Lower Mainland marine terminals simply because they are not immediately transiting through a marine terminal would reintroduce an unregulated rate for off-dock work. I do not find such an approach to be consistent with the historical material underlying, or the remedial purposes of the *Act*.
15. CNTL merely asserts that the Commissioner's interpretation is inconsistent with the purposes of the *Act* but provides no substantial response to paragraph 65 of the Decision, paragraph 20 of the Decision Notice, or any direct reference to the Joint Action Plan, the Ready/Bell Report or the relevant *Hansard* records that preceded the passing of the *Act*. I am not persuaded by CNTL's conclusory statements about the purposes of the *Act*.

Impugned Containers transited outside the Lower Mainland

16. CNTL also argues - for the first time – that the movements in question are not captured by the *Act* because they involved transportation of containers outside of the Lower Mainland:

Second, each of the impugned moves involved the transportation of a container to or from a location outside of the Lower Mainland (namely, between Alberta or Saskatchewan and a destination in the Lower Mainland). Unlike other licensees, CNTL is integrated within a federally-regulated railways operation, and its movements are in service of the interprovincial movement of goods by rail. As such, the impugned moves are not accurately characterized as “off-dock” moves within the Lower Mainland; they involve the interprovincial movement of domestic goods. As such, they are excluded from the prescribed “container trucking services” described in section 2(1)(b) of the Regulation.

17. Section 2(1)(b) of the *Regulation* excludes the transportation of a container to or from a location outside the Lower Mainland (colloquially called “long-haul”) from the licence requirement. In this case, it is not disputed that CNTL is a licensee who moved the Impugned Containers (which can be and are used for the marine transportation of goods) within the Lower Mainland (including to and from the rail yard) by truck. However, CNTL maintains that these moves are not captured by the *Act* because the Impugned Containers were previously or subsequently transported outside the Lower Mainland via rail (CNTL is “integrated within a federally-regulated railways operation, and its movements are in service of the interprovincial movement of goods by rail.”)
18. I note that the conditions of the licence, including the requirement that it pay the regulated rates, are imposed on CNTL – not CN. While I understand that CN owns CNTL and may in some sense be “integrated” with CN’s operations, CNTL is a separate legal entity and is the licence holder.
19. I understand that the Impugned Containers may have moved to or from locations outside the Lower Mainland; however, at paragraph 43 of the Decision, I found that the Impugned Containers were moved between two “facilities” by truck in the Lower Mainland and that these moves were “off-dock” moves that required CNTL to use a tagged truck, sponsor an IO from the IO List and pay the regulated rate. The regulatory definition of “facility” does not describe the container’s ultimate “origin” or “destination” but rather locations where activities that are generally associated with containers that are constantly on the move “for shipping” take place. Most -if not all - containers arriving in and departing from Lower Mainland rail yards involve movements outside the Lower Mainland (similarly, most -if not all- containers arriving and departing a marine terminal moved outside the Lower Mainland). If a container’s movements to and from outside the Lower Mainland (before or after movements between two facilities in the Lower Mainland) meant that the *Act* did not apply, then all container moves would be unregulated unless they were on-dock moves. Such an interpretation would be inconsistent with the reference to compensation for moving containers moved to and from CN and CP Rail yards in the Joint Action Plan,² the Ready/Bell Report³ and the multiple bulletins⁴ and decisions advising licensees that they are required to pay the regulated

² <https://news.gov.bc.ca/releases/2014PREM0025-000380>

³ Vince Ready and Corrine Bell, Recommendation Report – British Columbia Lower Mainland Ports, September 25, 2014.

⁴ See OBCCTC Bulletins: “Off-Dock Rate Payments & Use of Tagged Trucks,” March 6, 2018”; “Off-

rates when moving containers to and from a rail yard in the Lower Mainland.

20. To summarize, CNTL performs “prescribed container trucking services” (on-dock) in the Lower Mainland and requires a “container trucking licence” that requires it to adhere to the *Act*, *Regulation* and license when performing “container trucking services” in the Lower Mainland (including when moving the Impugned Containers between two facilities). For the reasons set out above, the fact that the Impugned Containers arrived in or departed from the Lower Mainland before or after being moved between two facilities in the Lower Mainland does not alter my findings that they transited between two facilities in the Lower Mainland on December 1 and December 7, 2025.

Officially Induced Error and March 11, 2022 Email

21. CNTL restates that it has a long-standing business practice involving “domestic containers” and has relied on a former Commissioner’s October 30, 2020 email and Canadian National Transportation Ltd. (CTC Decision No. 02/2019) in regards to the “applicability of the *Act* to CNTL’s role in supporting the interprovincial movement of domestic containers by rail.”⁵
22. CNTL also argues Commissioner Crawford’s March 11, 2022 email is not relevant in this case because CNTL at the time was seeking clarification about the application of the Position Movement Rate (“PMR”) to certain types of container moves within the Lower Mainland which were different from the movement of the Impugned Containers here, because the Impugned Containers here were moved primarily by rail and did not require access to a marine terminal.
23. At paras 18-33 of the Decision Notice, I addressed CNTL’s reliance on the 2019 CNTL Decision and the October 30, 2020 letter and its submissions on reconsideration do not change my view on those issues. Furthermore, I do not find that Commissioner Crawford’s response on March 11, 2022 excluded containers movements like the Impugned Containers. He advised CNTL that the regulated rate (in that case the PMR) “needs to be paid for all container moves between two locations in the Lower Mainland” and specifically mentioned that this included container yards⁶ and rail yards. The Impugned Containers moved between two locations in the Lower Mainland. In his March 11, 2022 email, Commissioner Crawford further draws CNTL’s attention to his February 28, 2022 Industry Advisory which specifically required licensees to use tagged trucks to move containers that “have been or will be transported on the ocean” – like the Impugned Containers. Many Commissioner decisions have applied this analysis.⁷ The March 11, 2022

Dock Regulation and Tag Management Policy Review,” May 7, 2019; “Off-Dock Rates and Truck Tag Requirements,” April 17, 2020; “Off-Dock Drayage Insights Report Published,” September 16, 2020; “Unlicensed, Untagged Off-Dock Drayage Activity,” November 29, 2021 and “Judicial Review Update Off-Dock Enforcement”, November 6, 2025. See also Industry Advisories “Licence and Truck Tag Requirements,” February 28, 2022; “Licence and Truck Tag Requirements,” May 18, 2022; “CTS license Requirements” October 4, 2022; and “Railyard and Containers”, March 22, 2024

⁵ Para 16 of CNTL submission.

⁶ As I understand the use of the term, container yard is used to describe a location where containers are stored on land.

⁷ See Forfar Enterprises Ltd. (CTC Decision No. 20/2016) – Commissioner’s Decision (paras 14-36); Can. American Enterprises Ltd. (CTC Decision No. 12/2020) – Decision Notice (paras 8-12); Simard Westlink Inc. (CTC Decision

correspondence and the attached February 28, 2022 Industry Advisory do not explicitly or implicitly suggest that licensees who move containers that are a part of the “interprovincial movement of domestic containers by rail” are excluded.

Conclusion

24. For the reasons set out above, I dismiss CNTL’s application for reconsideration and confirm the administrative fine of \$7,000.⁸
25. Finally, while a full audit of CNTL has been initiated as discussed above, I remind CNTL that it is required to comply with its CTS licence and use tagged trucks and pay the regulated rates and sponsor IOs from the IO List when moving “containers” between “facilities” in the Lower Mainland, including rail yards.

This reconsideration decision will be published on the OBCCTC website.

Dated at Vancouver, B.C., this 10th day of April 2026.



Glen MacInnes
Commissioner

No.09/2023) – Commissioner’s Decision (paras 21-42); KD Truckline Ltd. (CTC Decision No. 11/2024) – Commissioner’s Decision (paras 61-72); Canada Drayage Inc. (CTC Decision No. 37/2025)- Reconsideration (paras 10-19); and Canada Drayage Inc. (CTC Decision No. 33/2025)- Reconsideration (paras 10-20).

⁸ CNTL has paid the \$7,000 administrative penalty.