



April 20, 2026

Triangle Transportation Ltd.
8380 River Road
Delta, BC V4G 1G7

Commissioner's Decision
Triangle Transportation Ltd. (CTC Decision No. 06/2026)

Introduction

1. Triangle Transportation Ltd. ("Triangle") is a licensee within the meaning of the *Container Trucking Act* (the "Act").
2. Under section 40 of the *Act*, a licensee must comply with an order issued by the Commissioner.
3. In Triangle Transportation Ltd. (CTC Decision No. 15/2024) ("Original Decision"), I found, *inter alia*, that Triangle failed to pay one driver the regulated rates for all hours worked in December 2021 and failed to pay two drivers the regulated overtime rates in May 2023 (the first month the overtime rates came into effect) for a total of \$1,752.80. I accepted that Triangle paid its drivers the overtime rates starting in July 2023 on a go forward basis, but I was unable to determine if any monies were owed to the drivers in June 2023 as those records were not captured by the auditor's request for documents. As a result, I ordered Triangle to pay the drivers the amount owing (\$1,752.80) and to review its payroll records for June 2023 to ensure compliance with the Rate Order no later November 27, 2024.
4. On July 11, 2025, the OBCCTC requested payroll records to determine if Triangle had complied with the orders as set out in the Original Decision.
5. Triangle has been the subject of two previous decisions. In Triangle Transportation Ltd. (CTC Decision No. 20/2017), Triangle was found in breach of the *Act* when it underpaid its drivers \$220.90 in March 2017. The Deputy Commissioner exercised his discretion and did not impose a penalty. Triangle Transportation Ltd. (CTC Decision No. 15/2024) – Decision Notice, I imposed an \$8,000 administrative penalty for the breaches noted above and for Triangle's failures to equip its trucks with the required equipment to electronically track hours/trips worked and to create electronically generated payroll records between December 1, 2022 to November 30, 2023.

Audit Report

6. On July 25, 2025, Triangle provided payroll records as requested along with a submission.
7. Triangle provided evidence that the drivers had been paid \$1,752.80 by the deadline.
8. Triangle states that it calculated its June 2023 payroll records by the deadline and determined that it

owed one driver \$64.98 and intended to add the amount to the driver's next pay period soon after the Original Decision but that did not occur due to human error. Triangle advised the auditor that upon receipt of the July 11, 2025 letter, it took steps to pay the driver and issued a cheque on the same day. The auditor confirmed that it owed only one driver \$64.98 for May 2023.

9. On December 19, 2025, the auditor asked Triangle to provide a copy of the cancelled cheque for the \$64.98 payment. Triangle explained that they mailed a cheque to the driver's last known address in July 2025 but it appeared the driver had not cashed the cheque. The auditor then contacted the driver who stated he did not receive the cheque. At the direction of the auditor, Triangle was directed to reissue the cheque, confirm the mailing address, and ensure delivery of payment. On January 6, 2026, Triangle advised the auditor that the driver arranged for another driver to pick up the cheque on his behalf and provided copies of text messages confirming the same. Triangle provided the auditor with proof of delivery to the driver's representative. The auditor was unable to reach the driver to confirm the cheque was cashed. The auditor was satisfied that the driver received the cheque.
10. On January 16, 2026, the auditor prepared an Audit Report that concluded the following:
 - a. Triangle complied with the order to pay the drivers \$1,752.80 by the deadline.
 - b. Triangle complied with the order to review its June 2023 payroll records by the deadline and determined that it owed one driver \$64.98 (November 27, 2024).
 - c. Triangle did not pay the \$64.98 to the driver until on or around January 6, 2026.
 - d. The administrative penalty issued in the Original Decision was paid.
11. On February 3, 2026, a copy of the Audit Report was provided to Triangle for a response. Triangle did not provide a response by the deadline.

Decision

12. I accept Triangle paid the drivers the \$1,752.80 owing by the deadline as ordered in the Original Decision, but it is undisputed that Triangle failed to pay one driver \$64.98 for work performed in June 2023 by the November 27, 2024 deadline. Accordingly, I find that Triangle was in breach of section 40 of the *Act*. I am satisfied that Triangle's efforts to pay the driver, albeit after the deadline and after receiving the auditor's letter on July 11, 2025 and follow up request on December 19, 2025, and ultimately by January 6, 2026 were sufficient.
13. 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 licences, and the Commissioner is tasked under the *Act* with investigating and enforcing compliance.
14. 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.
15. At paragraph 12 of Forfar Enterprises Ltd. (CTC Decision No. 13/2025) – Decision Notice, I reminded licensees that they are expected to comply with orders under the *Act*. In that case “failure or neglect to closely read the Order caused delay and cost additional resources to ensure compliance.”
16. In this case, the amount owing to one driver was small and while the harm to the driver may not be excessive, Triangle did not ultimately pay the driver for more than two years after the wages were originally owing. The absence of any ability under the *Act* to compensate drivers with interest for delayed wages hinders my ability to make the drivers “financially whole” and reinforces the importance of licensees correcting underpayments as soon as possible. I have not been provided any specific details about the “human error” that resulted in Triangle’s failure to pay its driver as intended, but whatever the reason, the result is that Triangle was non-compliant.
17. I note that a mitigating factor in this case Triangle provided the necessary payroll records to confirm that the amount calculated owing to the driver was correct.
18. I have decided that an administrative penalty of \$1,000 is appropriate. In assessing the appropriate penalty, I am mindful Triangle did not hinder the auditor’s ability to ensure the driver was paid as in other cases involving a breach of section 40 of the *Act*, but nonetheless, it did result in a significant delay in payment to the driver. The penalty should remind Triangle and all licensees that in cases of payment to drivers, they are expected to comply with deadlines set out in orders under the *Act* to mitigate against any further harm suffered by the drivers.
19. In the result and in accordance with section 34(2) of the *Act*, I hereby give notice that I propose an administrative fine against Triangle in the amount of \$1,000.00.
20. Triangle 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.
21. If Triangle provides a written response in accordance with the above, I will consider that response and I will provide notice to 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.

22. This decision will be delivered to Triangle and will be published on the OBCCTC's website after the Decision Notices are issued (www.obcctc.ca).

Dated at Vancouver, B.C. this 20th day of April 2026.

A handwritten signature in blue ink, appearing to read "Glen MacInnes". The signature is written in a cursive style with a large initial 'G'.

Glen MacInnes
Commissioner