October 23, 2026

Future Trucking Ltd.
6278 125A Street
Surrey, BC V3X 3M9

Future Trucking Ltd. (CTC Decision No. 10/2026) – Decision Notice

Introduction

1. In Future Trucking Ltd. (CTC Decision No. 10/2026) ("Decision"), I found that Future Trucking Ltd. ("Future") breached section 24(1) of the *Container Trucking Regulation* ("*Regulation*") when it failed to pay one driver $2,547.46 for work performed in March 1 to 15th, 2025 by March 23, 2026 and in breach of section 23 and 25 of the *Container Trucking Act* ("*Act*") and Appendix D to Schedule 1 of the CTS licence when it failed to demonstrate payment of the regulated rate to IO Kular and to provide payroll records as required for December 2021, July and August 2022, May and June 2023, May and June 2024, and March 2025 ("Audit Period"). I proposed an administrative penalty of $5,000.00

2. Consistent with s. 34(2) of the *Act*, Future was given seven (7) days to provide written response setting out why the proposed penalty should not be imposed.

3. On October 16, 2026, Future provided a submission in response to the Decision.

4. I have considered Future's response to the Decision and provide the following Decision Notice.

Future's Response

5. Future asks that the Commissioner "withdraw the finding" that it breached s. 24(1) of the *Regulation* and "withdraw, or in the alternative reconsider" the findings under s. 23 and 25 of the *Act.* It also asks that the proposed penalty not be imposed.

6. Future argues that the Decision inappropriately described the breach of section 24(1) of the *Regulation* as a "second breach" and an "aggravating" factor "without adequately distinguishing the conduct identified in 2017 from the conduct reviewed and accepted in 2022 by the OBCCTC." Future also says that the Decision did not take into account the lack of intent on the part of Future or the significance of the "OBCCTC's own conduct" in contributing to the breach.

7. Future also says the Commissioner failed to consider proportionality in the proposed penalty as only one driver is identified in the Decision as being delayed payment of a nominal amount in one month of the Audit Period and the delay in payment was less than two weeks.

8. Future argues that while the "absence of records [related to IO Kular] may justify a compliance direction or a request for future production….it does not, without more, prove that regulated rates were not paid" and such an "evidentiary gap" cannot support a finding of a breach of section 23 of the *Act.* Future states that it "recognizes the importance of maintaining adequate records to demonstrate regulatory compliance…" and undertakes to ensure that it keeps proper payroll records going forward. However, it says that the absence of relevant records does not establish Future was engaged in rate undercutting or that it gained an economic advantage.

9. Future also argues that there is no evidence to suggest that there was a breach of section 24 of the *Act.* It says that the Decision suggests that reinvestment of IO Kular's wages into the licensee's operations may be in breach of s. 24 and that because this proposition is hypothetical it ought not to result in any adverse finding or penalty.

10. Future also argues that the factors in Smart Choice Transportation Ltd. (CTC Decision No. 21/2016) weigh against a penalty. It says that the alleged payment delay was brief and involved a small amount of money, the record-keeping breach involved only Mr. Kular, whose unique circumstances have been explained, and there is no finding of "systematic non-payment, deliberate evasion, falsification, intentional concealment, actual harm to drivers, or any competitive advantage."

11. Future cites its open disclosure of its payroll mechanism, "adopted following prior OBCCTC guidance," its "confirmation of compliance in 2022" and its cooperation are mitigating factors.

12. Finally, Future argues that "even a modest administrative penalty may have consequences extending far beyond the amount of the [proposed] fine…" because any penalty imposed may adversely affect Future's ranking in future truck tag allocations.

Consideration of Licensee's Response

13. At paragraphs 34, 35 and 42 of the Decision, I noted that the amount owing was small and the delay in payment was short but weighed that against Future's prior breach of section 24 of the *Regulation* and the importance of paying the regulated rates in a timely manner as set out in the Ready/Bell report. At paragraph 25 of the Decision, I addressed Future's suggestion that the OBCCTC recommended the impugned payment scheme or was culpable for not noticing that such a scheme could result in a future breach of section 24 of the *Regulation*. Nothing in Future's submission on these issues has changed my views on them.

14. Future does not dispute that Mr. Kular performed regulated container trucking services on its behalf during the Audit Period or that it included payroll records for Mr. Kular in an affidavit for an unrelated matter but did not provide them here– see paragraph 26 of the Decision. The onus is on Future to demonstrate that it paid Mr. Kular the regulated rates by providing the required payroll records. Nothing in Future's submission indicates specifically how much it compensated Mr. Kular or why it

produced payroll records for Mr. Kular in an unrelated case but not in this case. In short, Future has failed to demonstrate that it complied with section 23 of the *Act* when Mr. Kular was "employed or retained" to perform regulated container trucking services.

15. At paragraphs 30 and 31 of the Decision, I explained why I did not order Future to determine the amount owing to Mr. Kular. However, it was open to Future to demonstrate in its response to the Audit Report or to the Decision that it had paid Mr. Kular the regulated rates. It has not done so. Nothing in Future's most recent submission has changed my view on this.

16. I am not persuaded that Future's breaches resulted in no "harm" or "enrichment" in the context of Smart Choice. At paragraph 42 of the Decision, I considered that the breach of section 24(1) of the *Regulation* had limited impact but noted the breach of section 25 of the *Act* and Appendix D to Schedule 1 of the CTS licence hindered the auditor's efforts to determine if Mr. Kular was paid the regulated rates. At paragraph 31 of the Decision, I noted Future's failure to provide the payroll records for Mr. Kular made it difficult to determine the extent of any "enrichment" or "harm" but the possibility existed that it could have achieved an economic advantage. Nothing in Future's submission has changed my view on this. In any event I have not penalized Future for having been enriched but for failing to keep and produce payroll records.

17. The impacts of administrative penalties on future licensing/tag decisions are not generally considered when proposing penalties.

18. Finally, Future was not found in breach of section 24 of *Act*. My comment about s. 24 was not a finding that Future had breached section 24 and did not affect my penalty analysis.

Conclusion

19. I am not persuaded to reduce or refrain from imposing the proposed administrative penalty. Having carefully considered Future's submission, and for the reasons set out here and in the Commissioner's Decision, I order Future to pay an administrative fine of $5,000.00.

20. 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.

21. Future 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.

22. 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.

23. This Decision Notice along with the Commissioner's Decision will be published on the Commissioner's website.

Dated at Vancouver, B.C. this 23rd day of October 2026.



Glen MacInnes
Commissioner