September 24, 2026

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

Commissioner's Decision
Future Trucking Ltd. (CTC Decision No. 10/2026)

Introduction

1. Future Trucking Ltd. ("Future") is a licensee within the meaning of the *Container Trucking Act* (the "*Act*").

2. Section 16(1)(b) of the *Act* states that a licensee must carry out prescribed container trucking services in the Lower Mainland in compliance with:

   (i) this Act and the regulations,
   (ii) the license, and
   (iii) if applicable, an order issued to the person under the Act.

3. Under sections 22 and 23 of the *Act*, minimum rates that licensees must pay to truckers who provide specified container trucking services are established by the Commissioner via the Rate Order and licensees must comply with those statutorily established rates. Section 23(2) states:

   > A licensee who employs or retains a trucker to provide container trucking services must pay the trucker a rate and a fuel surcharge that is not less than the rate and fuel surcharge established under section 22 for those container trucking services.

4. Under section 24(1) of the *Container Trucking Regulation* ("*Regulation*"), a licensee must pay remuneration owed to a company driver at least semi-monthly and no later than 8 days after the end of a pay period.

5. Section 25 of the *Act* and the CTS licence impose certain record-keeping obligations on licensees.

6. Future has been the subject of one previous decision. In Future Trucking Ltd. (CTC Decision No. 23/2017), Future's practice of paying its directly employed operators (or company drivers) $1,000 at the end of the month and the balance owing for work in that month on the 15th of the following month was found in breach of section 24(1) of the *Regulation*. The Deputy Commissioner did not impose a penalty but ordered Future to demonstrate to the auditor that it had brought itself into compliance with the timelines set out in the *Regulation* no later than October 25, 2017.

7. Future was the subject of a payroll audit in 2022 and was found to be compliant with the *Act* and *Regulation.*

8. On May 28, 2026, Future applied for a 2026 CTS licence and as part of the application was required to provide copies of its 2025 payroll records for each of its company drivers and independent operators ("IOs").

Audit Report

9. On August 6, 2025, the OBCCTC, as part of a random audit, sent a request for payroll records for December 2021, July and August 2022, May and June 2023, May and June 2024, and March 2025 ("Audit Period"). The request was for records for both company drivers and IOs.

10. On July 14, 2026, the auditor prepared an Audit Report based on her review of the Audit Period payroll records that concluded as follows:

    a. Future had provided the required payroll records as requested.
    b. Future had paid the regulated rates to its one IO.
    c. Future had paid the regulated rates to each of its company drivers.
    d. Future paid its company drivers on a semi-monthly basis and paid $2,000 within eight days of first pay period and the balance owing for the first pay period within eight days of the end of the second pay period in the month.
    e. In some pay periods during the Audit Period, Future's payroll practices for company drivers resulted in drivers not being paid all of the wages they were owed within the regulated time period. The auditor included the following example:

Pay Period	Net Earnings	Pay Day	Pay Amount
March 1 - 15, 2025	$ 2,547.46	March 22, 2025	$ 2,000.00
March 16 - 31, 2025	$ 2,364.57	April 7, 2025	$ 2,911.40

11. A copy of the Audit Report was provided to Future on July 15, 2026 and Future was provided with an opportunity to respond no later than August 14, 2026.

12. In its 2026 CTS licence application, Future only provided payroll records for one IO (Mr. Brar) and one indirectly employed operator ("IEO" Mr. Singh) but advised that it had two IOs. Future did not provide payroll records for the second IO, Mr. Manmohan Kular (Mr. Kular).

13. On July 22, 2026, I advised Future in writing that there appeared to be discrepancies between the information provided in the 2026 CTS licence application and the information underlying the Audit Report. Mr. Singh was characterized in the Audit Report as a company driver and not an IEO and Future had not provided payroll records for IO Kular for the Audit Period. I asked Future to provide evidence that Mr. Kular worked a majority of the time in March 2025[1] as required by section 9 of the Sponsorship Agreement and I asked for all payroll records issued to Mr. Kular during the Audit Period. I also invited Future to provide any other submissions.

14. Future provided responses to the Audit Report and to my correspondence dated July 22, 2026. I will refer to both responses together as the "Submissions."

[1] March 2025 was the only month in the Audit Period that the 2024 CTS licence requirement to work a majority of the time applied.

Licensee Response

15. Future does not appear to dispute that its payroll practices may result in a breach of section 24(1) of the *Regulation* but advises that it has now ensured that each driver is paid all wages owed within the regulated time period.

16. Future agrees that a similar payroll practice was in 2017 determined to be in breach of the *Regulation* but appears to say that this was because the payments were not made within the regulated time period - not because the practice of making partial payments resulted in underpayment within the regulated time period. Future argues that it changed its payment dates to comply with *Regulation* as ordered in Future Trucking Ltd. (CTC Decision No. 23/2017) and its evidence of the same was accepted by the auditor at that time. Furthermore, Future maintains that a similar practice was in place during a payroll audit in 2022 that confirmed that its practices were compliant with the *Act* and *Regulation*.

17. Future maintains that it relied on assurances and the "prior recommendation" of the auditors in 2017 and 2022 and that it ought not to be penalized or found in breach of the *Regulation* now.

18. Future also says that the OBCCTC knows or ought to know that Mr. Kular is the owner of Future and an IO. Given that he is both an owner and an IO, Mr. Kular "does not draw wages or other compensation from Future in the same manner as other IOs." Instead, Mr. Kular "reinvests the earnings generated in the business." Future argues this was made known to the OBCCTC in previous audits and in Mr. Kular's evidence in a petition (*Future Trucking Ltd. and Manmohan Singh Kular v. The British Columbia Container Trucking Commissioner*) filed in November of 2024, New Westminster Registry No. 256003.

19. Future does not dispute that Mr. Kular did not work a majority of the time in March 2025 - and generally acknowledges that he has not worked as an IO since approximately December 2024 - but explains that "the operational demands of managing the business required him to devote the majority of the time to ownership and management responsibilities rather than driving." Future states the practice of IEOs working most of the time when the IO is also the owner of the licensee is widespread and does not result in "any underpayment to drivers or a competitive disadvantage to competing licensees." Future asks that Mr. Kular's IO tag be converted to a company tag in order to remedy this issue.

20. Future denies that it represented to the auditor that Mr. Singh was a company driver and says that it identified Mr. Singh as Mr. Kular's IEO in the 2024 sponsorship agreement between Future and Mr. Kular.

Decision

21. Section 24(1) of the *Regulation* requires licensees to pay company drivers all remuneration owed on a semi-monthly basis and within eight days of the end of the pay period. In this case, Future's practice of paying $2,000 in the first pay period of the month and any additional monies owing for work performed in that first pay period within eight days of the second pay period of the month resulted in at least one driver not being paid the full amount owing within the regulated timeframe in March 2025, although the auditor explained that other such instances occurred. Based on March 2025 payroll record, I find that the driver was not paid the full amount of $2,547.46 within 8 days of the end of the pay period for

which that money was owing, in breach of section 24(1) of the *Regulation.*

22. I am not prepared to accept that Future was exempt from paying Mr. Kular the regulated rates simply because he is also Future's owner. In this case, according to OBCCTC records, Mr. Kular is an IO who owns a truck registered under his name. Future is the licensee. Section 23 of the *Act* requires licensees (in this case Future) to pay drivers (including IO Mr. Kular) the minimum regulated rates. Future was also required to maintain payroll records for its IOs in accordance with section 25 of the *Act* and Appendix D to Schedule 1 of the CTS licence.

23. Future admits that it did not pay Mr. Kular as required by section 23 and did not provide the auditor with any payroll records – including timesheets, trip sheets, or wage statements -- for the periods he worked as an IO. Accordingly, I find that Future was in breach of sections 23 and 25 of the *Act* and Appendix D to Schedule 1 of the CTS licence when it failed to pay its IO the regulated rates and when it failed to maintain and provide the required payroll records for Mr. Kular for the Audit Period.

24. Additionally, I was provided no evidence that Mr. Kular "reinvested" that money earned as an IO into Future. I note that any such "reinvestment" may be a breach of section 24 of the *Act* if used to offset licensee costs.

25. I do not accept that Future can rely on statements by auditors about its payroll practices in previous audits as evidence that there was not a breach in this case or to avoid penalties. Auditors are not decision-makers and Future has provided no evidence that the previous auditors were expressly aware that the first payment of the month resulted in an underpayment in any event. Similar fixed payments amounts and subsequent month-end reconciliations have been found in breach of section 24(1) of the *Regulation* – see ADP Transport Ltd. (CTC Decision No. 11/2018) and Trans BC Freight Ltd. (CTC Decision No. 25/2025). In those cases, the licensees were issued administrative penalties in the amounts of $5,000 and $3,000, respectively. Additionally, Future provided no evidence that past auditors (or the Commissioner) "recommended" that they pay their drivers in the manner that they do. Rather, the former Commissioner required Future to bring its payroll practices into compliance with the *Regulation*. Ultimately, it is the licensee's responsibility to ensure that its payroll practices are compliant with the *Act* and *Regulation.*

26. I am also not prepared to accept that the OBCCTC was aware of or condoned the practice of "reinvesting" Mr. Kular's wages into Future based on past audits and his evidence in a 2024 judicial review. Future provided no earlier evidence that Mr. Kular was paying himself outside the requirements of section 23 of the *Act* in any event. In his evidence in the 2024 petition, Mr. Kular merely states that he "re-invest[s] the wages that I earn." Included at Exhibit N of Mr. Kular's affidavit are copies of wage statements issued to him by Future between August 1 and October 31, 2024. It appears that Future did provide Mr. Kular wage statements in 2024 but those were not provided to auditor in response to her request on August 6, 2025 or my request on July 22, 2026.

27. While Future's lack of adherence to the *Act* and *Regulation* in previous audits went undetected and avoided penalties being issued in those cases, I am not persuaded that Future can avoid a penalty based on the current information before me.

28. The Deputy Commissioner has engaged with Future and Mr. Kular on the fact that Mr. Kular has not

been driving his truck the majority of the time as required by the Sponsorship Agreement. On September 8, 2026, the Deputy Commissioner cancelled Future's sponsorship agreement with Mr. Kular. Accordingly, I do not find it necessary to order Future to comply with section 23 of the *Act* with respect to Mr. Kular on a go forward basis.

29. Future's proposed remedy to convert the IO tag Future assigned to Mr. Kular into a company tag is contrary to the prohibition of conversion of truck tags during a licence period as set out in the OBCCTC CTS Licence Truck Tag Management Policy. Generally, IO and company tags are distributed on a limited basis on a 1:1 ratio to ensure that there is enough work for both IOs and company drivers. As part of the 2024 CTS licence application process, Future requested, and was granted, two IO tags to retain two IOs. It was open to Future to request a company tag at that time if it was uncertain about Mr. Kular's ability to meet the conditions of the sponsorship agreement, but it did not and consequently the remaining company tags were distributed to other applicants.

30. Normally, when a licensee has not demonstrated that it has paid its drivers the regulated rates, I would order the licensee to pay the outstanding amount to the driver. In this case, there are two very distinct issues I must consider: (1) Future has not provide the payroll records necessary to determine what is owing and (2) given that Mr. Kular is the owner and the IO, any order to produce those documents and pay the outstanding amount would likely result in simple transfer of funds between Mr. Kular's personal bank account and his business account. In other words, such an order would be unlikely to produce the remedial result intended and therefore I will not make any such order in this case.

31. My decision not to order the payment of wages to Mr. Kular does not mean there was no harm in the Mr. Kular's apparent foregoing of wages and instead "reinvesting" them in Future. Licensees must generate sufficient revenue through their customers to cover the regulated wages they must pay to their drivers. If licensees are able to pay less than the regulated rates, they do not need to generate as much revenue and can therefore charge less than their competitors. This is the very scenario that led to the undercutting of rates historically, which in turn created instability in the industry. In this case, given Future's failure to provide evidence to the contrary, it is possible Mr. Kular accepted less than the regulated rate during the Audit Period, allowing Future to offer lower shipping rates. This is why the practice of not paying a driver who also happens to own the licensee is prohibited under the *Act*.

32. 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 company drivers and IOs in compliance with the established rates and timelines. 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.

33. 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.

34. In this case, the auditor did not note in her Audit Report all the occurrences of underpayments or how many drivers were impacted – except for the example provided for one driver in March 2025. I acknowledge the seriousness of not paying a driver within the prescribed timelines, but the amount identified in the Audit Report is relatively small (approximately $45.00) and the delay was relatively short (two weeks). However, Future was previously found to have committed a similar breach even though the Commissioner exercised his discretion and did not impose an administrative penalty at that time.

35. As noted above, the legislation outlines specific remuneration timelines which must be followed in relation to a licensee's drivers. The genesis of this section is the following recommendation in the Ready/Bell report[2], which identified that failure to pay drivers in a timely manner was a concern that contributed to the 2014 work stoppage at the Port of Vancouver. The fact that Ready/Bell made this recommendation and that it was reflected in *Container Trucking Regulation* and CTS licence indicates the importance placed on timely payment to drivers.

36. Future states that it has now brought its payroll payments in compliance with section 24(1) of the *Regulation* but has not provided any corroborating evidence.

37. In terms of Future's failure to keep or produce payroll records for IO Kular, Commissioner MacPhail stressed the importance of proper record keeping in HAP Enterprises Ltd. (CTC Decision No. 19, 2016) as follows:

> The requirement to keep complete, accurate and up-to-date records is a fundamentally important obligation flowing from the legislation and the Container Trucking Services Licence (the "licence"). The maintenance of complete, accurate and up-to-date records by licensees is absolutely essential to the OBCCTC's fulfillment of its rate compliance mandate and its ability to properly perform audits in a timely and fulsome way. Failure to keep proper records, including those required under both Paragraph 3 of Appendix D to Schedule 1, and under Schedule 2 of the licence, directly interferes with the audit process, will not be tolerated, and will be regarded as a serious violation of licensees' obligations under the legislation and their licence.

38. I adopt the analysis of Commissioner McPhail: failure to maintain proper records is a serious violation and likely to attract a penalty.

[2] Vince Ready and Corinn Bell, Recommendation Report – British Columbia Lower Mainland Ports, c) Rates of Pay i) on dock recommendation #5.

39. Failure to pay drivers for container trucking services may result in a penalty and repeated failures to comply with the *Act* will almost certainly result in an escalating penalty as evidenced by escalating penalties issued in previous decisions.

40. As a holder of a CTS licence, Future is responsible for knowing its obligations under the *Act*. In this case, I am unable to determine the extent of any benefit to the licensee because of Future's failure to provide any payroll records related to Mr. Kular. Since Mr. Kular has been a sponsored IO during the four years of the Audit Period, it is reasonable to assume that he earned substantial wages during this period, but I was provided with no evidence concerning his payment for that work. I am also unable to determine how much Future benefited from Mr. Kular's "reinvestment" as I was not provided any evidence about such "reinvestments" including whether they equaled the amount Mr. Kular should have been paid.

41. The challenge with this arrangement between the licensee and its owner who is also an IO – and the reason it is not permitted under the *Act* – is that there is no ability to ensure that an IO is being paid the regulated rates or is instead accepting a lesser wage to the benefit of the licensee. As set out above, the second scenario can create various problems. Among other things, it can provide the licensee with a competitive advantage over other licensees who pay their IOs the regulated rates. I also note that an undefined "reinvestment" scheme is likely to be inconsistent with the requirements set out in section 24 of the *Act* if it is used to offset costs that are properly borne by the licensee. The practice of IOs, including IOs who own and/or control the licensee, accepting or negotiating less than the rates established prior to the enactment of the *Act*[3] has historically led to rampant undercutting in the Lower Mainland drayage sector and has been the primary cause of sector instability.

42. I have decided that an administrative penalty of $5,000 is appropriate. In assessing the appropriate penalty, I am mindful that this is Future's second breach of section 24(1) of the *Regulation* and that it resulted in a delay of payment to its drivers – albeit in small amounts for short periods. I am also mindful that Future failed to provide payroll records for one IO and this has hindered the ability to ensure that the IO was paid in accordance with the *Act* and *Regulation*. The penalty should remind Future and all other licensees that licensees must ensure that drivers are paid in full and on time and that proper records are kept.

43. In the result and in accordance with section 34(2) of the *Act*, I hereby give notice that I propose an administrative fine against Future in the amount of $5,000.00.

44. Future has 7 days from the receipt of this notice to provide the Commissioner with a written response setting out why the proposed penalty should not be imposed.

45. If Future 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.

[3] Vince Ready and Corinn Bell, Recommendation Report – British Columbia Lower Mainland Ports, c) Rates of Pay i) on dock describes the rate floor - "Ready Rates"- that predated the *Act*

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

Dated at Vancouver, B.C. this 24th day of September 2026.



Glen MacInnes
Commissioner