

NOVA SCOTIA UTILITY AND REVIEW BOARD

IN THE MATTER OF THE MOTOR CARRIER ACT

-and-

IN THE MATTER OF THE MOTOR VEHICLE TRANSPORT ACT

-and-

IN THE MATTER OF THE APPLICATION of **ABSOLUTE CHARTERS INCORPORATED** to amend Motor Carrier License Nos. P02697, P02836, and P03007 and Extra-Provincial Operating License No. XP02444

BEFORE:  Bruce H. Fisher, MPA, CPA, CMA, Member

DECISION AND ORDER

Absolute Charters Incorporated applied to the Nova Scotia Utility and Review Board on January 3, 2024, for approval to amend its motor carrier licenses and extra-provincial operating licenses by removing its current Schedule D(1) rates and replacing them with the Schedule D(1) rates attached hereto in Appendix A.

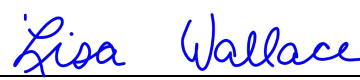
Notice of the application was published in the Royal Gazette on Wednesday, January 10, 2024, and notice provided to the industry. There were no objections received by the stated deadline of January 17, 2024.

The application was considered by the Board in a hearing on February 22, 2024.

Having considered the *Motor Carrier Act*, including the factors set out in s. 13, the Board finds it is in the public interest to approve the application.

The Board approves the application and orders that the license be amended to remove the current rates and replace them with the rates attached hereto in Appendix A, effective immediately.

DATED at Halifax, Nova Scotia this 22nd day of February 2024.


Clerk of the Board

APPENDIX A
SCHEDULE D RATES

Schedule D(1) – Rates

Remove current Schedule D(1) of the existing Licenses and replace as follows:

RATES, TOLLS AND CHARGES:

Vehicle Description	Min. Charge (4 hrs or less)	Daily (10 hrs)	Per KM Live	Per KM Dead	Hourly	Over- time Hourly	Layover Day	Two Way Transfer	Cruise Day
51-58 Pass* HMC	955	1,910	4.42	3.90	200	180	1,010	1,300	1,910
47-50 Pass* HMC	955	1,910	4.42	3.90	200	180	1,010	1,300	1,910
74-81 Pass Coach	1,330	2,655	6.19	4.94	275	255	1,250	1,820	2,655
60-68 Pass Dbl Decker Bus	985	1,580	N/A	N/A	200	200	N/A	1,040	1,580
29-36 Pass Minicoach	900	1,775	4.10	3.60	185	165	950	1,100	1,775
20-28 Pass Minicoach	705	1,405	3.48	2.87	160	150	835	725	1,610
10-15 Pass Van	575	1,145	2.86	2.54	125	115	780	615	1,185
* HMC – Highway Motor Coach - Minimum Charter Rates increase as noted below.									

TERMS AND CONDITIONS

1. Minimum Charter Rates:

- (1) The Minimum Charter Rates apply to the operation of a Highway Motor Coach.
- (2) Considering all components of the License, including rates, charges, discounts and a negative FAM, at no time can the amount charged be below the following:

	Daily Rate	Hourly Rate	Kilometre Live	Deadhead
Current	\$1450.00	\$170.00	\$3.30	\$3.00
2024	\$1525.00	\$180.00	\$3.50	\$3.20
2025	\$1575.00	\$185.00	\$3.65	\$3.35
Plus applicable taxes and any additional charges (including a positive FAM).				

- (3) The Minimum Charter Rates are subject to all additional charges, including a positive FAM.
- (4) The Minimum Charter Rates apply to all bookings. The rates for future years take effect on January 1.
- (5) A carrier must not quote below the Minimum Charter Rates for the year in which a Charter Service is to be provided, regardless of when the request for services or the booking is made.

- (6) Carriers are not permitted to enter into contracts for charters occurring beyond December 31, 2025, without specifying in the contract that the rate may change, subject to the Board setting the Minimum Charter Rates for Highway Motor Coaches for 2026 or later.

2. Charges:

- (1) **Single Day Charters:** Charges are the greater of the total kilometres or the applicable minimum, hourly, daily, and overtime hourly rates.
- (2) **Multi-Day Charters:** Charges are the greater of the total kilometres or applicable daily and layover day rates.
- (3) **Additional:**
 - 1. All taxes, fees, tolls, parking, admissions, gratuities, etc., if not paid for directly by the charter group.
 - 2. Driver's actual hotel costs and a per diem of up to \$60/day, if not paid directly by the charter group.
 - 3. Additional driver's costs if required.
 - 4. Fuel Adjustment Mechanism.
- (4) **Fuel Adjustment Mechanism (FAM):** The FAM will apply to the base charter price charged to the customer. The base fuel price is (\$1.00/L). The FAM will increase the base charter prices by 1% for every 7.5 cents per litre that the published Nova Scotia Utility and Review Board's Diesel "Wholesale Selling Price" (<https://nsuarb.novascotia.ca/mandates/gasoline-diesel-pricing/gasoline-prices-zone-map>) varies from the base fuel price. The FAM will be estimated at the time the charter price is quoted (not more than 5% over the current rate). The actual rate will be applied at the time of charter.

3. Discounts / Commissions:

- (1) For Highway Motor Coaches: At the discretion of Absolute Charters Inc., it may grant discounts/commissions up to 20%, subject to the Minimum Charter Rates.
- (2) For all other vehicles: At the discretion of Absolute Charters Inc., it may grant discounts/commissions up to 20%, subject to the Minimum Charter Rates.

4. Familiarization Tours: At the discretion of Absolute Charters Inc., for the purpose of promoting tourism, reduced rates may be charged to a person chartering a vehicle providing familiarization tours to travel agents, travel writers, tour operators, meeting planners and/or tourism departments.

5. Cancellation Charges:

Carrier may charge the following charges:

- (1) 20-10 days prior to charter date - \$100 plus HST
- (2) Within 9 days of scheduled departure - Full Cost of Charter

6. Payment Terms:

Full payment is due 14 days prior to the charter date.

7. Definitions for use of the vehicle:

Cruise Rate: Is for the Halifax Port only.

Daily: On a single-day charter applies for the 10th hour. On Multi-Day charters, "Daily" means any part of a calendar day.

Deadhead KM: Any kilometre traveled without passengers. All trips begin and end at the equipment point.

Equipment Point: The carrier's place of business, currently 6575 Bayne Street, Nova Scotia

Highway Motor Coach: 47-58 passenger vehicle which has three axles and a washroom.

Hour: Any portion of an hour rounded up to the nearest hour.

Hourly: On a single-day charter, applies to any hour from the Minimum Charge (4 hours) to 9 hours.

Layover Day: Replaces the Daily rate on a multi-day trip when the vehicle travels 50 kilometres or less and the group remains at the same location/hotel.

Live KM: Any kilometre traveled with passengers.

Minimum Charge: Minimum amount charged to a customer.

Overtime Hourly: Applies to any hour after 10 hours.

2 Way Transfer: A return transfer (one movement each way) of the same group on the same calendar day within a 50-kilometre radius of downtown Halifax.