



Guidelines for Special Interest Travel (Packages & Tours)

Introduction

The Travel Industry Council of Ontario (TICO) is responsible for administering the provincial legislation governing the travel industry in Ontario, the Travel Industry Act, 2002 (*Act*) and Ontario Regulation 26/05 (Regulation). TICO's mandate is to ensure that anyone involved with selling travel in Ontario is doing so in accordance with the *Act*.

TICO has seen an increase in Special Interest Travel organized by individuals or businesses whose primary purpose is not selling travel and for that reason are not registered with TICO. These individuals or businesses sometimes engage in activities that may fall under the *Act* and require registration.

These guidelines are designed to assist those engaging in Special Interest Travel to better understand when registration is required under the *Act*.

Examples:

- A yoga studio offers a tour/retreat that includes transportation and/or accommodation.
- A photographer runs a workshop to teach photography and the workshop includes transportation and/or accommodation.

Definitions & Legislation

The following information is referenced from the *Act*.

Section 1

Travel Agent is defined as a person who sells to consumers, travel services provided by another person.

Travel Services are defined as transportation or sleeping accommodation for the use of a traveler, tourist or sightseer or other services combined with that transportation or sleeping accommodation.

Section 4

No person shall act or hold himself out as being available to act as a travel agent unless the person is registered as a travel agent under this *Act*.

By planning and organizing packages and tours that include transportation and/or accommodation for their clients when arranging tours, workshops, retreats, seminars, or special interest gatherings, the actions of the individual or business may be captured under the *Act*.

In order to address this issue and to ensure consumers are protected, TICO has prepared the following Guidelines for Special Interest Travel.

REGISTRATION REQUIRED

An individual or business that organizes Special Interest Travel, which include travel services, must either register as a travel agency with TICO or be affiliated as a Travel Counsellor/ Outside Sales Representative with an existing TICO registered travel agency.

This applies in any of the following circumstances:

- a. If the individual or business is counselling/advising consumers about the tour or is asking consumers to contact him or her to inquire about the package/tour
- b. If the individual or business is collecting payments or facilitating transactions on behalf of any consumer to any supplier for travel services
- c. If the individual or business makes arrangements for transportation and/or accommodation on behalf of the consumer

Registration information: www.tico.ca/industry-info/registration-information.html

Outside Sales Representative Guidelines: www.tico.ca/industry-info/outside-sales-reps.html

Examples

- A yoga instructor organizes a yoga retreat/tour in Costa Rica to teach participants about health and fitness. The yoga instructor plans the trip, makes arrangements for transportation and accommodation, advertises on his or her website and takes payment from the consumer.

Under this scenario, the yoga instructor must register under the *Act* or be affiliated with a TICO registered travel agency as a Travel Counsellor/Outside Sales Representative.

- A photographer organizes a safari tour to teach photography students about photographing wildlife in Africa. The photographer plans the trip, makes arrangements for transportation and accommodation, advertises on his or her website and facilitates the transaction by advising the consumer to make direct payments to an out of province travel supplier.

Under this scenario, the photographer is counselling for the purpose of selling travel services. Therefore, he or she must register under the *Act* or be affiliated with a TICO registered travel agency as a Travel Counsellor/Outside Sales Representative.

REGISTRATION NOT REQUIRED

In some circumstances (see below #1 and #2), an individual or business organizing Special Interest Travel may not require registration as a travel agency under the Act if they meet the following conditions:

1. Working in collaboration with an Ontario based TICO registered travel agency to fulfill the travel services, but not acting as a travel agent/travel counsellor.

The following guidelines must be adhered to:

- a. The individual or business would only be working in the capacity of a specialist in his or her field and therefore cannot be involved with travel agent responsibilities in relation to the sale of travel services, i.e. counselling/advising consumers about travel services, collecting payments from consumers, facilitating any transactions like direct payment from consumers to travel suppliers, making bookings and/or making arrangements for accommodation or transportation. Instead, consumers should be contacting the TICO registered travel agency directly.
- b. Any promotion or advertisement about the tour made by the individual or business must clearly instruct the consumer to contact the TICO registered travel agency directly to inquire about and/or book the Special Interest Package/Tour. The advertisement has to include the TICO registered agency's business name, address, phone number and TICO registration number in order to comply with the legislation.
- c. The individual or business is providing a specialty service not related to travel (e.g. photography instruction, health & wellness coaching) and there may be a fee/payment involved for providing the specialty service. In order for the individual or business to be compensated, he or she may only be paid for the specialty services. Any payments requested from consumers must be exclusively for the specialty service.

Examples

- A scuba instructor (or business) wishes to organize a scuba tour to teach participants about diving in Belize. The scuba instructor plans the trip in collaboration with an Ontario based TICO registered travel agency in accordance with the guidelines listed above. The travel agency handles all of the customer inquiries and bookings. The fee for scuba lessons is packaged with the tour and the travel agency collects the full fee. After the booking is made the travel agency disburses payment to the scuba instructor for the scuba lessons.

Under this scenario, the scuba instructor does not require registration under the Act because he or she is working with a TICO registered agency to plan the trip. The instructor is not acting as a travel agent/travel counsellor and is only providing specialty services (scuba lessons).

- A yoga instructor (or studio) wishes to organize a yoga trip in Italy. The yoga instructor plans the trip in collaboration with an Ontario based TICO registered travel agency in accordance with the guidelines listed above. The travel agency handles all of the customer inquiries and bookings. The fee for yoga lessons is separate from the tour. The travel agency collects the fee relating to travel services and the yoga instructor collects the fee relating to yoga lessons.

Under this scenario, the yoga instructor does not require registration under the Act because he or she is working with a TICO registered agency to plan the trip. The instructor is not acting as a travel agent/travel counsellor and is only providing specialty services (yoga lessons).

2. Working with an end-supplier who is not registered with TICO (i.e. a hotel, cruise line or an out of province tour operator). The end-supplier is offering a package/tour and has made arrangements to include an Ontario based individual or business in the capacity of a specialist relating to the tour.

The following guidelines must be adhered to:

- a. The package/tour must be organized and run entirely by the end-supplier (such as a hotel or a cruise line) or the out of province tour operator.
- b. The individual or business would only be working in the capacity of a specialist in his or her field and therefore cannot be involved with travel agent responsibilities in relation to the sale of travel services, i.e. counselling/advising consumers about travel services, collecting payments from consumers, facilitating any transactions like direct payment from consumers to travel suppliers, making bookings and/or making arrangements for accommodation and/or transportation for consumers.
- c. Any promotion or advertisement about the package/tour made by the individual or business must clearly instruct the consumer to contact the end-supplier directly or a TICO registered travel agency to inquire about travel arrangements.
- d. The individual or business is providing a specialty service not related to travel (e.g. photography instruction, health & wellness coaching) and there may be a fee/payment involved for providing the specialty service. In order for the individual or business to be compensated, he or she may only be paid for the specialty services. Any payments requested from consumers must be exclusively for the specialty service.

Examples

- A hotel in Ontario is hosting a yoga and wellness weekend and has asked one or more popular yoga instructor(s) in Ontario to teach. The yoga instructor(s) will be paid for his or her time directly by the hotel.

Under this scenario, the yoga instructor does not require registration under the *Act* because he or she is only working in the capacity of an instructor.

- A tour operator in South America is hosting a specialized tour and has asked a popular photographer in Ontario to teach other photographers on the tour. The photographer will be paid for his or her time directly by the tour operator.

Under this scenario, the photographer does not require registration under the *Act* because he or she is only working in the capacity of an instructor.

The guidelines above provide some examples but are not inclusive. If you are uncertain whether an activity would require registration or have questions related to these guidelines, please contact TICO for more information.

Please note that failure to comply with the Travel Industry Act, 2002 can result in prosecution or other proceedings being initiated by TICO.