



## REGISTRAR BULLETIN February 01, 2016

### Reports of Zika Virus and Registrant Responsibility under the *Travel Industry Act, 2002*

TICO has received a number of calls and emails in response to the recent reports issued by the Public Health Agency of Canada, World Health Organization (WHO) as well as Government of Canada Travel Health Notice. Registrants are asking what their responsibilities are under the *Travel Industry Act, 2002*, (the Act) and Ontario Regulation 26/05 (the Regulation).

Registrants have a duty to warn customers of the reports of Zika Virus. Pursuant to Section 36(a) of the Regulation, before reserving travel services for a customer, a travel agent shall bring to the customer's attention any conditions relating to the purchase of travel services that the travel agent has reason to believe may affect the customer's decision to purchase. To satisfy this section of the Regulation, a travel agent is obligated to inform customers of any safety concerns relating to their travel destination at the time of making the reservations, whether or not the Federal Government has issued a travel advisory in relation to that destination.

Travel agents may also have a continuing obligation to inform customers of a deteriorating situation in the travel destination after the travel services have been reserved. Section 37 of the Regulation states that if, after a customer has purchased travel services, the registrant becomes aware of a change to any matter that is referred to in a representation and that, if known, might have affected the customer's decision to purchase, the registrant shall promptly advise the customer of the change.

Consumers that have bookings with a travel wholesaler (tour operator) to the affected destinations are subject to the Terms and Conditions of the booking. There is no provision in the Act or the Regulation which requires a registrant to provide a refund or offer alternate travel services because a government advisory has been issued. Registrants should consider all their contractual and legal obligations in determining how to address the situation. Registrants should review their obligations pursuant to Sections 39 and 40 of the Regulation if the scheduled departure of transportation is delayed or advanced by 24 hours or more or accommodations are impacted.

The Public Health Agency of Canada has recommendations for travellers to protect themselves against mosquito bites. To access the Travel Health Advisory issued by the Public Health Agency of Canada, please go the following link: <http://www.phac-aspc.gc.ca/tmp-pmv/notices-avis/notices-avis-eng.php?id=143>

The World Health Organization (WHO) also has useful information regarding the Zika Virus and may be found at the following link: <http://www.who.int/csr/don/archive/disease/zika-virus-infection/en/>

To access the Travel Report by country issued by Foreign Affairs Canada go to the following link: <http://travel.gc.ca/travelling/advisories>

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*Travel Industry Act, 2002*