

Keeping on Top of the OSR Guidelines

Outside Sales Representatives (OSRs) are a key component in the selling of travel services in Ontario, and there are many sections of the Travel Industry Act, 2002 (Act) and Ontario Regulation 26/05 (Regulation) of which they should be aware. Registrants who use OSRs, as well as individuals who seek work as an OSR, should refer to the legislation for the precise wording on the provisions and requirements.

As the guidelines applicable to OSRs have recently been revised, please go through them carefully. They may be read and/or downloaded from www.tico.ca.

Here is an overview:



☀️ Registrant responsibilities

An OSR may only sell travel through a TICO registrant. Being responsible for all actions of the OSR relating to the sale of travel, the registrant must have policies and processes in place to ensure that the OSR complies with every aspect of the Act and the Regulation.

☀️ Written contract

The OSR must either be an employee of, or there must be a written contract between the OSR and a registered Ontario travel retailer that must cover compliance with the Act and the Regulation. When preparing the contract, a registrant should consider: how the OSR will advertise; how the OSR will invoice the consumer; and how the OSR will collect money, and other accounting procedures.

☀️ Registered Premises

An OSR may only conduct business from a place named as an office in the registration; this can include a home office if it has been approved by the Registrar and added to the registration. Bottom line, the OSR must operate through the registrant's registered office unless their home office has been registered with TICO as a branch office.

☀️ Money transactions

All consumer monies received by an OSR have to be made payable to the registrant unless they are paid by credit card directly to the supplier. This includes payments by cheque, direct deposit, debit or credit card. TICO does not recommend that OSRs collect cash payments. If cash is accepted by an OSR, a receipt from the registrant must be issued and the cash must be deposited into the registrant's trust account within two business days. The registrant must maintain adequate controls, since the registrant is responsible for any misuse of consumer funds – whether by OSRs or employees.

☀️ Representations (Advertising)

This covers business cards, newspaper advertisements, websites and social media sites, including Facebook and Twitter. The registered name, address and registration number of the registrant that the OSR works through must always be included. While a representation

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LETTER FROM THE CEO

On June 25, 2012, TICO will be celebrating its fifteenth anniversary since receiving delegation from the Ontario government to administer the *Travel Industry Act, 2002* ("Act"). In light of this milestone, I want to take this opportunity to look back on some of the changes that have occurred over the past 15 years:

The Registrants - In June 1997, TICO had approximately 3,000 registrants. Today, there are just over 2,500 registrants, which is a reduction of 16.6%. While the number has declined, it has decreased much more slowly than anticipated. The tour operator business has been consolidated from approximately a dozen medium sized operators into a handful of large groups. Similarly, the distribution network has changed as those larger operators form alliances with retailers across the country. Interestingly, the number of corner store travel agencies has remained constant and we continue to see a balance of agencies closing and new enterprises starting up.

The Compensation Fund - Back in 1997, the Compensation Fund balance was just over \$4 million. The contribution rates were 40 cents per \$1,000 of sales for a travel agent and \$1.60 per \$1,000 of sales for a travel wholesaler. Those rates are significantly higher than today's rate of 5 cents per \$1,000 of sales for retailers and wholesalers. In 2005, the Compensation Fund reached \$30 million. Following this, rates were reduced to maintain the Fund at between \$20 and \$25 million. Today, the Compensation Fund balance is just under \$25 million.

The Financial Inspections Program - The financial health of the industry has improved significantly over the past 15 years due to the financial criteria that agencies are required to meet and TICO's proactive monitoring. While the criteria may seem onerous to some registrants, it is a necessary evil, in order to maintain a level playing field for all registrants and to ensure a level of protection for consumers.

Education Standards - In 2009, TICO introduced Education Standards for Travel Counsellors and Supervisor/Managers. This has improved knowledge of the requirements under the *Act* and Ontario Regulation 26/05. Over 30,000 individuals have taken a TICO exam since the program commenced, which has far exceeded our estimates.

Consumer Awareness Campaign - In 1999, TICO introduced its Consumer Awareness Campaign. The objective was to bring to the attention of consumers the benefits of dealing with a TICO registered travel agency. This has been a great success but we want to do even more. Over the next year, we will be reaching out to registrants in an effort to get you more involved in our campaign and its initiatives. We need your help in reaching even more consumers with our consumer protection message.

We have accomplished a lot in 15 years. What will happen over the next 15 years in the travel industry and with TICO? The possibilities are endless. Stay tuned.



With best wishes for the summer,
Michael Pepper, CEO



Reviewing the Consumer Awareness Campaign



Wonryang Kim,
winner of TICO's Win A Dream Trip

The pre-March Break promotion of **TICO's Win A Dream Trip** on-line contest was a great success, with more than 3,000 people participating in the contest. The happy eventual winner was **Mr. Wonryang Kim** (photo, left) of Kingston, who received a cheque in the amount of \$5,000 towards his Dream Trip.

Since the Consumer Awareness Campaign was first launched, TICO has conducted an omnibus survey annually, to measure the success of the campaign. The 2012 TICO Awareness Tracking Study was recently

completed. While TICO was pleased to note an increase in consumer awareness in the Greater Toronto Area, there was less of an upsurge in consumer awareness in other parts of Ontario.

Evaluating the Campaign

Subsequently, TICO decided to seek the opinions of TICO registrants on the Consumer Awareness Campaign through an online survey, and the results were telling. TICO received 137 responses to the survey. Although the number of respondents was less than hoped for, the feedback will be very helpful as TICO reviews its ongoing strategy for the Campaign.

More than three-quarters of the respondents **display promotional materials that are sent to their travel agency**, such as the TICO window decal and the Good to Go pamphlet. Some of those who do not display these materials explained that they had minimal or no walk-in business.

Asked about **downloading and using the collateral items on TICO's website**, almost 70% downloaded the TICO logo, while far fewer downloaded the e-ticket stuffer, web banner ads and the videos. The reasons given for not downloading any collateral materials ranged from being unaware that they were available on TICO's website (the main reason), to not requiring them, or not having the time.

A total of 65% said they **use the new TICO logo prominently** in advertisements, 59% use it on their website, 53% use it on their invoices, while just 48% and 45% respectively use it on their business cards or brochures.

Slightly over half the respondents had been asked by customers if their company was registered with TICO, although fewer

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Correct Invoicing is Essential!

Inaccurate invoicing practices remain a problem. As detailed in **Section 38 (1)** of the Regulation, travel agents must provide an invoice promptly to the customer, once travel services have been sold. It has to include the following:

- The **name and address** of the customer who purchased the travel services (and the name of each person on whose behalf the payment is made, if known).
- The **date of the booking** and the date of the first payment.
- The **amount of the payment**, indicating whether it is full or partial payment, the amount of any balance owing, and the date when it is to be paid.
- **Any fees, levies, service charges, surcharges, taxes or other charges**, and whether these are refundable or non-refundable.
- The **total price** of the travel services.
- The **name of the travel agency and the travel agent, the agency's telephone number, registration number, address** and information on any other ways that the customer may contact the travel agent.
- An **accurate description of the travel services** contracted for.
- Whether the purchaser has bought **trip cancellation insurance, and out-of-province health insurance**, if applicable.
- Whether the contract permits **price increases**.

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Keeping on Top of the OSR Guidelines
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cannot feature a residential address or telephone number, the OSR's cell phone is acceptable provided all of the registrant's information is also included.

Disclosure prior to booking

Specific information relevant to the consumer's decision to purchase travel has to be disclosed by travel agents, including OSRs, prior to any bookings being made. This includes the total price, cancellation fees and non-refundable amounts, the availability of trip cancellation and out-of-province medical insurance, the travel documents required for each person travelling, and any other applicable terms and conditions that might apply.

Invoices and receipts

After selling travel services, OSRs are required to promptly provide the consumer with an invoice from the registrant. **Section 38 (1)** of the Regulation outlines the details that must be set out in the statement, invoice or receipt.

Websites

If an OSR has a website, it must comply with the Regulation's requirements, by including the registrant's name, address, phone number and registration number. The website URL must also be registered as the registrant's website with TICO.

Education Requirements

OSRs must have passed TICO's Travel Counsellor Exam before selling travel services or advising consumers of these services. ▲

Paul Samuel
TICO Board of Directors



Have you always worked in travel, or were you involved in another profession prior to the travel business?

As my family has been in the travel business since 1954, travel has always been in my blood. Even as a young child I can remember arranging files, stacking brochures and putting up posters. I started working full time in the business after graduating from the University of Windsor with an Honours Bachelor of Commerce in 1984. From junior counsellor to manager and owner, I've had a front-row seat to witness all the changes in the industry. It's been quite a ride! Sometimes fun, sometimes not, and there are always new challenges to face.

What is your travel business?

I operate a classic bricks and mortar travel agency in Toronto - one of the oldest in the city, as it was established in 1937. We are a general agency that offers a wide range of products, although our specialty is luxury cruises and custom-made itineraries. On the corporate side, we deliver a very personalized service to our clientele of small businesses. We also handle small special interest groups and travel to the Middle East. At one time we also operated safaris to Kenya and Tanzania.

What involvement have you had with other travel industry associations besides TICO?

I serve on the Ontario Regional Council of the Canadian Institute of Travel Counsellors (CITC) and on the board of the Association of Canadian Travel Agencies (ACTA) as representative for the CITC. Being very interested in the development of educational programs to meet the travel industry's ever-changing standards and staffing requirements, I am also involved with Seneca College's Travel and Tourism Advisory Committee, as a representative for the retail travel agency sector.

Which of TICO's issues are of prime importance to you, and why?

I believe the most important aspect of TICO's mandate is to spread the word about the benefits of booking with a TICO-registered travel company. As part of the committee that provides oversight to TICO's Consumer Awareness Campaign, I'd say that we still have to work on improving the current level of consumer awareness, although gains have been made. Many consumers in Ontario still don't know about TICO, and unfortunately many retailers and wholesalers display low levels of support. This is a significant issue because TICO works hard to bolster the Ontario travel industry, and to help us maintain a competitive edge against web-based, out-of-province retailers and wholesalers.

One of the most pressing challenges for TICO is communicating its mandate as far and wide as possible, using a combination of traditional advertising and smart public relations campaigns to engage its stakeholders. We have to focus on keeping on top of, or ahead of, the social media wave because it offers one of the most cost-effective and measurable ways to listen, converse and develop trust amongst stakeholders.

Where would you like to see TICO and Ontario's travel industry in, say, five years' time?

In five years I would hope to see greater trust and cooperation between TICO and Ontario's travel industry, with improved lines of communication amongst all parties, as well as more universal consumer awareness.

Is there anything else that you would like to share with TICO Talk readers?

It is very important to recognize and support the efforts of Ontario's travel retailers. I know from experience that they are a hardworking bunch, facing a multitude of challenges in areas such as online competition and staffing.

During my short time serving on TICO's Board of Directors, I have come to the realization that TICO understands retailers' concerns and challenges, and that every decision is made with the well-being of all parties in Ontario's travel trade, and the health of the industry in general, very much in mind. The industry representatives on TICO's board are keenly aware of everyone's concerns, because we all face the same issues on a daily basis. If you have something to say, or if you feel strongly about anything, please share it. TICO is always open to hearing the views of its stakeholders. ▲

customers had asked about either the benefits of buying travel services through a TICO registrant, or about the Ontario Travel Compensation Fund. The main feedback was that most customers are either unaware of TICO or do not care unless they have experienced a situation in which TICO was able to help. Nonetheless, 88% of the respondents explain the benefits of purchasing travel services with a registered TICO travel agency.

Almost 70% of those who had responded had **seen or heard a TICO advertisement on either TV or radio, or at a GO station or transit shelter**. The most commonly noted form of advertising was on television.

A little over half felt that **the Campaign's message had benefited their business**.

The overriding response was that booking with a TICO registrant provided protection, comfort and confidence. A few commented that while some consumers understand the benefits of TICO, others still turn to US websites to book their travel.

Approximately 41% responded that **the Campaign had not benefited their business**. When asked why the campaign had not benefited their business, the main reasons cited were that customers were motivated by price alone, that the advertising was largely focused in the GTA rather than elsewhere in the province, that clients feel they have sufficient protection from their credit cards and insurance policies, and that

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TICO Goes Mobile

It is becoming simpler than ever to connect with TICO. If you are out of the office and wish to check something at www.tico.ca, it is now accessible through your smart phone. We hope you will continue to find it an easy, intuitive website to navigate.

A Heartfelt Thanks

Both CATO and the Ontario travel industry at large have benefited from **Mike Foster's** service on TICO's Board of Directors as an ACTA representative. With the end of his 10-year term, we would like to thank him for the dependability of his sage advice and support.

Correct Invoicing is Essential! *continued from page 3*

- If the contract permits price increases, a statement on
 - a) situations when the customer is **not obligated to pay the increase** (if they have already paid in full) or
 - b) situations in which the customer has the right to **cancel the contract** and obtain a full refund.
- What information or **travel documents** will be required for each person travelling
- The name of the **travel counsellor** who made the booking and accepted the first payment.

Full details can be reviewed at www.tico.ca, under Industry Information.

FIRST NOTICE ANNUAL GENERAL MEETING

TAKE NOTICE THAT the Annual General Meeting of the members of the Travel Industry Council of Ontario ("TICO") will be held at 4:00 p.m. on Tuesday, September 18, 2012 at the Toronto Congress Centre, 650 Dixon Road, Toronto, Ontario for the purpose of:

- receiving the financial statements for the previous financial year, together with the Auditor's Report;
- receiving and considering the Annual Report;
- appointing the auditors for the next year and authorizing the Board of Directors to fix the auditor's remuneration; and
- transacting such other business as may properly come before the meeting.

Only members in good standing are entitled to participate in and vote at the meeting. Members of the public are invited to attend.

Written notice must be received by the Secretary on or before August 3, 2012, of any motions to be made at the Annual Meeting.

Members who will not be attending the meeting are invited to submit written requests for proxies. Copies of the audited financial statements as at and for the fiscal period ended March 31, 2012 will be available at the Annual General Meeting and may be requested in writing prior to the meeting.

DATED at Mississauga this 29th day of May, 2012.
On behalf of the Board of Directors
Tracey McKiernan, Secretary

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The Annual General Meeting: Plan To Participate!

TICO's Annual General Meeting will take place on **September 18, 2012**, at the Toronto Congress Centre. This year the election is for a wholesaler position on the Board of Directors. There are many eminently qualified wholesale registrants who would have extensive expertise and wisdom to offer at the Board level and we urge all wholesale registrants to think about how you can contribute.

TICO has sent a letter to all registrants inviting Nominations, with the Nomination Form and Consent.

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Court Matters

CHARGES

Alistair Hamilton and **Greater Hamilton Tours Inc.** have been charged with two counts each of operating as a travel agent without registration, contrary to **Section 4(1)(a)** of the *Travel Industry Act, 2002*. Alistair Hamilton and Greater Hamilton Tours Inc. operated in Hamilton and elsewhere in Ontario.

Nazimuddin Kazi has been charged with two counts of operating as a travel agent without registration, contrary to **Section 4(1)(a)** of the *Travel Industry Act, 2002*. Mr. Kazi operated in the Greater Toronto Area. He was previously charged in March 2011 for operating without registration.

Sritharan Sellathamby and **1821284 Ontario Inc. o/a Atlas Air Travel** have been charged with one count each of failing to maintain trust accounts, contrary to **Section 27** of Ontario Regulation 26/05 made under the *Travel Industry Act, 2002*. Sritharan Sellathamby and 1821284 Ontario Inc. o/a Atlas Air Travel operated in the City of Toronto and elsewhere in Ontario.



Court Matters continued

fined \$5,000. Mr. Golan is also subject to a probation order to ensure that Travel Mix Inc. ceases operating or applies for registration under the *Act* within 30 days.

Following an ex-parte trial, **Conquest Vacations Inc.** has been convicted on one count of failing to maintain trust accounting, contrary to **Section 27** of Ontario Regulation 26/05 made under the *Travel Industry Act, 2002*. Conquest Vacations Inc. was convicted on one count of failing to maintain the minimum working capital required, contrary to **Section 24** of the Regulation. Conquest Vacations Inc. was fined \$25,000 for each count, for a total fine of \$50,000.

CONVICTIONS

Franca Perruzza has been convicted on six counts of operating as a travel agent without registration, contrary to **Section 4(1)(a)** of the *Travel Industry Act, 2002*. Ms. Perruzza was the President of **2062204 Ontario Inc. o/a Beltour**, which was previously registered under the *Act* and had its registration terminated on September 30, 2009. The company and Ms. Perruzza continued to operate after its registration was terminated. Ms. Perruzza was sentenced to 90 days in jail, to be served intermittently on weekends. She is also subject to a two-year probation order that includes: informing the Registrar, *Travel Industry Act, 2002* of any employment in the travel industry at least five days before employment commences; informing any potential employer of the conviction under the *Act*; and attending counselling as suggested by the probation officer. Ms. Perruzza is also subject to a freestanding restitution order to repay victims a total of \$168,832.23.

Steve Gajadhar has been convicted on one count of operating as a travel agent without registration, contrary to **Section 4(1)(a)** of the *Travel Industry Act, 2002*. Mr. Gajadhar operated in Brampton and elsewhere in Ontario. He was fined \$3,000.

Boris Golan and **Travel Mix Inc.** have been convicted on one count each of operating as a travel agent without registration, contrary to **Section 4(1)(a)** of the *Travel Industry Act, 2002*. Mr. Golan was fined \$3,000 and Travel Mix Inc. was

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REVOCATIONS

Between January 20, 2012 and May 9, 2012, two companies had their registration revoked:
Pannu Travels Ltd. and **Longtou Travel Ltd.** ▲

The Annual General Meeting *continued from page 6*

Please remember...

Anyone nominated for the Board of Directors must provide TICO with a criminal record check. This can be obtained from some OPP detachments and most municipal police services. If you are interested in running for election, please start the process to get your criminal record check as soon as possible, in order to meet the nomination deadline. The signed Nomination Form, Criminal Record Check and Biographical Information must all be provided by the nomination deadline, which is August 3, 2012.

Upcoming Issues

In future issues of **TICO TALK** we plan to include:

- Update on the Consumer Awareness Campaign
- Trade Shows and Upcoming Events
- Annual General Meeting

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Reviewing the **Consumer Awareness Campaign** continued from page 5

the majority of people who contact them are unaware of TICO.

More than 80% responded to the question asking **what tools or collateral materials from TICO would help promote their business as a TICO-registered travel agency.** Many asked for more brochures, banners, decals, ticket stuffers and videos. Others proposed magnets, TICO pens, calendars, t-shirts and ticket jackets.

Lots of Suggestions

There was no shortage of ideas on **what could be included in the Campaign**, going forward, to increase consumer awareness on the benefits of using a TICO-registered travel agency. Advertising more extensively throughout the province was the top suggestion by far. The runner-up was that there should be more focus on educating consumers – not only on the protection aspect of booking with a TICO registrant, but also on TICO travel agents' professionalism and educational certification requirements.

The majority of those who **provided further comments and suggestions** on the Campaign felt that the approach was effective and well done. For example: "TICO's campaign is amazing. Keep up the good work." Suggestions included advertising in airports to specifically target Ontario travellers who should know about the importance of travel protection, and increasing advertising in border communities where Ontario residents are less likely to tune into Canadian TV or radio stations.

Next Steps

The survey has proved to be a valuable indicator of registrants' assessments of the Campaign. While it is reassuring that many believe TICO is pursuing an effective and worthwhile approach, the criticisms and suggested ways to modify or extend the campaign have provided useful insight.

We would like to thank everyone who took the time to participate in the survey. Rest assured that your feedback will influence TICO's ongoing efforts to increase consumer awareness. ▲

You're good to go.

By booking your trip with a TICO-registered travel agency, you're automatically protecting your travel investment.

TICO is Consumer Protection for your travel investment, a watchdog for everyone who books their trip with a TICO-registered travel agency.

And it's easy because all travel agencies operating in Ontario have to be TICO-registered. It's the law.

No matter where you travel, when you purchase from a TICO-registered travel agency, you've got peace of mind knowing TICO is there to help.

Here's how:

- Refunds**
TICO refunds money for services you paid for but did not receive.
If you purchase travel services from a TICO-registered travel agency and you don't receive those services due to closure or bankruptcy, TICO helps.
When your cruise line, airline or even travel agency fails to provide those services, TICO gives refunds of up to five thousand dollars per person, in certain circumstances, when travellers are stranded, we even bring them home.
Compensation Fund coverage is subject to the provisions of Ontario Regulation 26/05.
- Regulation**
TICO regulates the Ontario travel industry.
Through mandatory registration of all Ontario travel agencies, TICO ensures agencies adhere to the Ontario Travel Industry Act. And that means they must follow the law.
That means things like proper invoicing and disclosure, truthful advertising and financial compliance - and holding your money in trust. We also see they meet educational standards for the industry.
- Monitoring**
TICO inspects and monitors Ontario travel agencies.
TICO makes sure the travel agencies you're buying from follow strict consumer protection laws, all backed by the Ontario Travel Industry Act. TICO inspects and monitors all agencies, and disciplines those that don't follow these laws.
TICO promotes fair and ethical competition, supports a Code of Ethics and encourages legislative and regulatory changes.
- Complaints**
TICO helps you out with a complaints process.
We hope your travel always goes well, but when you're not happy and you and your travel agency can't seem to resolve the situation, we can help. But remember, if your agency isn't TICO-registered, there's not much we can do.
If you book with a TICO-registered travel agency, TICO helps with a complaints process, communicates with your travel agency and makes sure the consumer protection laws were properly followed.
Although we can't impose a settlement or act as an arbitrator, we make sure you've got a process to help solve your concern.

The Travel Industry Council of Ontario - TICO your Travel Watchdog. Always look for it.

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