

# ANNUAL REPORT 2000



# **MESSAGE FROM THE CHAIR**

June 1, 2000

Honourable Robert Runciman Minister of Consumer and Commercial Relations 250 Yonge Street Toronto, Ontario M5B 2N5

Dear Minister:

I am pleased to submit this third Annual Report of the Travel Industry Council of Ontario (TICO), which covers the period April 1, 1999 to March 31, 2000. This report also incorporates the activities of the Ontario Travel Industry Compensation Fund for which TICO assumed direct responsibility in June 1998.

During this 12-month period, TICO has accomplished many of the goals set out in its second business plan which was released in the spring of 1999. The business plan sets out the mission and values within which TICO operates, the vision for what TICO aims to achieve and the measures by which TICO's performance can be judged. A third year business plan has now been approved by the board and the Ministry of Consumer and Commercial Relations and will be released in the spring of 2000.

This Annual Report details TICO's achievements during the past year, which are summarized as follows:

- TICO's Board of Directors continued to work together, through an established committee structure, to meet the requirements set out in the Administrative Agreement.
- TICO's proactive approach to inspections and compliance has been enhanced through the hiring of additional inspectors.
- ► In the fall of 1999, TICO initiated a comprehensive, province-wide, consumer awareness campaign to bring consumers' attention to the benefits of dealing with registered Ontario travel agencies. This campaign included the distribution of TICO decals and posters to all registrants as well as literature which will assist consumers with travel decisions.
- TICO's legislative and regulatory review committee has continued to review the current Act and regulations and in March 2000, recommendations were presented to the Ministry for review. The next step of this process will be the preparation of a joint TICO/Ministry consultation paper which will be circulated to all stakeholders.
- TICO has continued its successful production of a quarterly newsletter, TICOTALK, which contains useful information for stakeholders regarding best practices and TICO activities.

TICO has continued its proactive approach to the many changes that are influencing the travel marketplace and is now seeing the results of an enhanced monitoring programme that in turn promotes consumer protection. TICO will continue to strive toward achieving the goals set out in its latest business plan and is confident that this approach will be of extreme value to stakeholders.

Yours truly, Travel Industry Council of Ontario

Neil Winter Chair of the Board of Directors



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# MISSION

To promote a fair and informed marketplace where consumers can be confident in their travel purchases.

# VISION

Enhance confidence in the travel industry by becoming:

- ► A leader in developing an improved system of consumer protection
- ► A model for a progressive, fair and firm administrator of industry regulations
- ► A promoter and enforcer of good business ethics
- ► An advocate for harmonized standards in the travel industry

# VALUES

- ► Fair, but firm in our conduct with registrants and consumers
- Responsive and open in communicating with consumers and registrants, while respecting the business confidentiality of our registrants
- Visionary in our approach to improving the industry and industry practices, while remaining accountable to all stakeholders for the cost-effectiveness and practicality of solutions and initiatives
- Ethical in everything TICO does



# **CHIEF EXECUTIVE OFFICER'S REPORT**

# **Executive Summary**

The Travel Industry Council of Ontario (TICO) is now nearing completion of its third year of operation, since receiving responsibility from the Ministry of Consumer and Commercial Relations for administering the Ontario Travel Industry Act.

TICO's third annual report re-affirms the structure within which TICO operates and reports on its performance during the past year. During this period we have paid special attention to those priority objectives identified in our business plan, which included:

- ► Continuation of a comprehensive legislative review of the Travel Industry Act and Regulations
- ► Strong financial inspection and compliance programmes
- ► Risk management of Registrants that pose a higher likelihood of failure
- ► Implementation of a consumer complaint resolution process with faster turnaround and higher closing ratios
- Stringent and timely monitoring and processing of new applications for registration to ensure entry requirements are met and follow-up inspections of all new registrants
- ► The successful execution of province-wide consumer awareness campaign, through media, trade shows and Internet website exposure.

This report responds to all of these objectives in detail and confirms that TICO continues to meet or exceed each of the set targets.

During this third year the Compensation Fund has grown by a further \$3.2 million and had a balance of \$15.8 million as of March 31, 2000.

In 1999, TICO commenced plans for the implementation of a new database that will consolidate several sources of data into one common programme. This database is now operational and will receive further enhancements over the next 12 months that will enable TICO to provide improved services to stakeholders.

TICO has also enhanced its website, with more information and timely updates on matters of urgency and importance.

Yours truly Travel Industry Council of Ontario

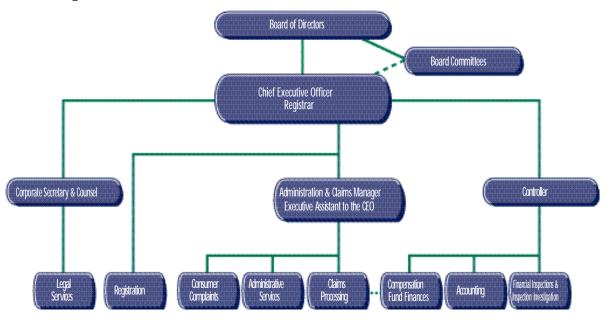
Michael Pepper President & C.E.O.



# ORGANIZATION

The Travel Industry Council of Ontario (TICO) is a not-for-profit corporation financed through fees from its approximately 3,000 Ontario travel retail and wholesale registrants. In order to effect self-management in the travel industry, the Ministry of Consumer and Commercial Relations delegated responsibility for the administration of the Ontario Travel Industry Act and regulations to TICO in June 1997. The Travel Industry Act governs Ontario retailers and wholesalers and provides for the operation of a travel industry Compensation Fund.

Following a regulation change in June 1998, TICO assumed direct responsibility for the Compensation Fund from the Ontario Travel Industry Compensation Fund Corporation (OTICF). The OTCIF Corporation was subsequently dissolved on August 28, 1998.



# GOVERNANCE

The TICO Board of Directors consists of 15 members and comprises of three individuals appointed by the Association of Canadian Travel Agents (ACTA-Ontario), three from the Canadian Association of Tour Operators (CATO), one from the Ontario Motor Coach Association (OMCA), one from the Canadian Institute of Travel Counsellors of Ontario (CITC-Ontario) and four from the Minister of Consumer and Commercial Relations. There are also 3 members that are elected by the Industry at large. (See Appendix II)



#### **Remuneration of Board and Committee Members (Per Diems)**

TICO's by-laws provide for the remuneration of Directors and in 1999 the Board of Directors approved the following per diem levels:

#### **Board Meetings:**

Chair	\$350
Vice-Chair	\$275
Member	\$225

In 1999, the Board agreed to a remuneration policy for committee meetings for board members and non-board members as follows:

#### **Committee Meetings:**

0	
Committee Chair	\$225
Committee Member	\$175
Director under the TIA	\$5,000/annum (where Director is not an employee)

Per diem is the amount payable for work periods in excess of three hours. If the work period is less than three hours, one-half of the established per diem is paid. Preparation time may be included in the calculation of hours. In addition, board and committee members may claim for travelling expenses such as mileage or accommodation for which set rates have been approved.

#### **COMPENSATION FUND**

#### Background on the Ontario Travel Compensation Fund

In 1975, the Government of Ontario passed the Travel Industry Act. This legislation provides the legal basis for the Compensation Fund and ensures that every registered travel business in Ontario participates in the Fund. Section 44 of Part III of the current Regulation (O. Reg. 806/93) enacted pursuant to the Act states: "Every registrant shall participate in the Compensation Fund and shall comply with the terms of the Fund set out in this Part."

A registrant is defined as a person who is registered as a travel agent or travel wholesaler under the Travel Industry Act. A travel agent is defined as a person who sells to consumers, travel services provided by another person. A travel wholesaler is defined as a person who acquires rights to a travel service for the purpose of resale to a travel agent or who carries on the business of dealing with travel agents or travel wholesalers for the sale of travel services provided by another person.



#### Management of the Compensation Fund

The Regulation relating to the Compensation Fund sets forth in detail the operation and management of the Fund.

Section 44.1 of the current Regulation (O. Reg. 806/93) provides that the affairs of the Compensation Fund shall be administered and managed by the Travel Industry Council of Ontario, a corporation without share capital incorporated under Part III of the Corporations Act.

Section 45(5) of Regulation 806/93 requires that all money in the Compensation Fund and any income on such money shall be held by TICO in trust for the benefit of claimants whose claims for compensation are approved by TICO in accordance with this Regulation.

#### **Fund Financing**

The Compensation Fund is totally financed by Ontario registrants. During the fiscal year, registered travel agents paid to TICO the greater of \$25 or 40¢ per \$1,000 of sales and registered travel wholesalers paid the greater of \$25 or \$1.60 per \$1,000 of sales, both on a semi-annual self assessment basis. These payments are to be made within forty-five days after the end of the registrant's fiscal and fiscal half-year.

Effective May 1, 2000 the Government has approved a reduction in contribution rates to: the greater of \$25 or 25¢ per \$1,000 of sales for registered travel agents and the greater of \$25 or 50¢ per \$1,000 of sales for registered travel wholesalers

The Regulation permits TICO to borrow money to supplement the Fund and to require that registrants make additional payments to TICO if necessary to reduce such borrowing.

#### **Surplus Funds**

The Corporation may invest any funds of the Compensation Fund, which are surplus to the immediate requirements of TICO in securities provided for under sections 26 and 27 of the Trustee Act.

#### Claims

The Compensation Fund compensates customers of registered travel agents for eligible claims arising from the bankruptcy or insolvency of an Ontario registrant but not for claims arising from the failure to provide travel services by end suppliers such as airlines. The Board of Directors determines whether a claim or a part of one meets the



requirements of the Regulation and determines the eligible amount of the claim. Claims must be submitted in writing to the Board within six months after the event that gave rise to the claim. The maximum payout for claims arising out of an event is \$5 million in total and \$3,500 per person.

The Director under the Travel Industry Act, may direct payment out of the Fund of up to an additional \$2 million where immediate funds and facilities are necessary for the repatriation and accommodation of customers of registrants who are outside of Ontario. When customers of registrants are preparing for immediate departure and have been placed in circumstances where funds are required to alleviate suffering or to protect the interests of the Fund, the Board, with the approval of the Director, may pay out of the Fund an amount sufficient to enable such departure, up to a maximum of \$3,500 per person.

#### **Appeal of Decisions**

Claimants are entitled to appeal a decision of the Board of Directors to the Licence Appeal Tribunal (formally the Commercial Registration Appeal Tribunal). Decisions of the Tribunal may be further appealed to the Divisional Court of Ontario.

#### **Financial Inspections**

TICO manages a programme of financial inspections of registrants, which is carried out under the direction and control of the Registrar of the Travel Industry Act. The programme consists of an annual review of the financial statements of all registrants, a more frequent review of the financial statements of larger registrants and on-site inspections of registrant operations. It is designed to attempt to minimize potential claims against the Fund and disruption to consumer travel, by identifying in advance for the Registrar those registrants whose financial viability may be open to question.

# TICO COMMITTEES

TICO has established nine committees to oversee various responsibilities and undertake a variety of tasks. These committees and mandates include the following:

Executive Committee (Chair: Neil Winter, CTC)

- Manage emergency issues on an ad hoc basis
- Interim support for CEO between board meetings
- ► Review of large closures



Administrative Committee (Chair: Marilynne Day-Linton, C.A.) Note: Committee concluded its work on January 31, 2000

- ▶ Ensure human resource policies are developed and monitored
- ► Review and provide advice with respect to the budget
- ▶ Ensure that operational policies and procedures are developed and monitored
- Oversee systems and technology issues

#### Alternate Funding Committee (Chair: Bruce Fraser, C.A.)

► Make recommendations to the Board with respect to alternate methods of financing the Fund that would address industry concerns while meeting consumer needs.

#### Audit Committee (Chair: Bruce Fraser, C.A.)

- ► Review internal controls operating throughout TICO
- ▶ Review accounting and investment policies on an annual basis
- ► Review quarterly investment report and financial statements
- ▶ Review audited financial statements and recommend their approval to the Board

#### Business Strategy Committee (Chair: Peter Linnett)

- Produce TICO's Business Plan and monitor performance measures
- ► Develop a system of administrative penalties
- Develop business policies on key issues of TICO authority (e.g. misleading advertising and financial compliance)
- ► Refer issues for legislative and regulatory review
- Conduct an annual review of the Registrant's and TICO staff Code of Ethics and the Board of Director's Code of Conduct

#### Complaints Committee (Chair: Marilynne Day-Linton, C.A.)

- ► Review and resolve, as appropriate, complaints against TICO
- Provide fair, transparent and accountable procedure for handling registrant and consumer complaints against TICO
- ► Develop standards for handling complaints
- Make recommendations with respect to TICO's complaint handling procedures

#### Compensation Fund Committee (Chair: Bruce Fraser, C.A.)

- Review and recommend to the Board the payment of claims in accordance with Regulation 806/93
- Develop and recommend administrative policies to the Board of Directors regarding the administration of the Fund
- Review recovery procedures to offset the cost of claims
- Review and monitor the status of appeals to the Licence Appeal Tribunal (formally the Commercial Registration Appeal Tribunal) of denied claims



# Ethics Committee (Chair: Moe Jeppesen)

Note: Committee concluded its work on August 31,1999

- Develop Code of Ethics for Registrants
- Develop Code of Conduct for TICO board members
- ► Develop Code of Ethics for TICO staff

#### Minimum Standards Committee (Chair: Sue Corke)

- Develop mandatory minimum educational standards on a two-tier basis (Supervisor/manager and travel counsellor)
- Standards to include knowledge of the Travel Industry Act and regulation, Code of Ethics, business practices and basic travel knowledge
- ► Define basic travel knowledge on a two-tier basis
- ► Identify options for developing curriculum
- Develop the implementation and enforcement mechanism

#### Legislative & Regulatory Review Committee (Chair: Frank Dennis)

- Achieve regulatory and legislative reform necessary to meet TICO's business objectives, as set out in the TICO Business Plan by:
- ► Consulting with MCCR on policy and legal issues
- ► Securing and managing stakeholder input
- ► Working with MCCR to move recommendations forward through the legislative process

# **REVIEW OF STRATEGIC BUSINESS OBJECTIVES**

STRATEGIC BUSINESS OBJECTIVES	ACTIONS TAKEN TO MARCH '00
Complete 3rd Business Plan	Completed by deadline for approval by the Minister. The Business Plan will be released in Spring 2000.
Develop public awareness plan on the benefits of purchasing travel services from Ontario Registrants	Launched a consumer awareness campaign to bring consumers and Registrants attention to the benefits of dealing with Ontario Registrants. TICO's campaign consisted of media coverage including television, newspaper, radio interviews and speaking engagements as well participating at consumer and industry trade shows.



STRATEGIC BUSINESS OBJECTIVES	ACTIONS TAKEN TO MARCH '00
Review Travel Industry Act and Regulation	Continued the legislative and regulatory review of the Travel Industry Act and Regulation. Reviewed other jurisdictions, particularly British Columbia, Quebec, Australia and the U.K. to assist in the legislative and regulatory review process. The consultation process with the Ministry of Consumer and Commercial Relations has been initiated and a Consulation paper is expected to be distributed to stakeholders in Summer 2000.
Develop TICO website	Created and developed a website to provide information and assistance to all TICO stakeholders and support TICO's Consumer Awareness Campaign.
Develop Code of Ethics and Code of Conduct	Developed a Code of Ethics for TICO staff and a Code of Conduct for the Board of Directors.
Meet terms of the Administrative Agreement	Met the terms of the Administrative Agreement by maintaining and implementing operations and systems effectively administering the terms of reference of TICO's mandate with the Ministry.
Complete a Y2K Awareness Campaign	Successfully completed a Y2K awareness campaign with all Registrants including distribution of informative materials and completion of a telephone campaign promoting awareness regarding the importance of Y2K readiness.
Maintain a Communications Plan	Maintained a communications plan for TICO stakeholders including internal communications to the Board of Directors and staff through orientation, meetings and policy manuals. In addition, ongoing dialogue has been maintained with Registrar's and regulators in other jurisdictions and self-managed Industries to share best practices.
Continue distribution of Quarterly newsletter (TICO Talk)	Maintained distribution of quarterly newsletter (TICO Talk) to all Registrants to provide information on TICO's activities and to promote knowledge of the Travel Industry Act, the Regulation and best business practices.



STRATEGIC BUSINESS OBJECTIVES	ACTIONS TAKEN TO MARCH '00
Create and distribute Registrant Handbook	Created a Registrant handbook to provide a quick resource of excerpts of provisions found in the Travel Industry Act and Regulation to assist with day to day operations.
Expand Registrant Inspection Programme	Expanded the Registrant inspection programme to focus on new Registrants and areas of risk.
Expand Compliance Enforcement Programme	Initiated a compliance enforcement program to identify non-registrants and non-compliant registrants operating in the Province of Ontario.
Develop new database	Developed and implemented a database to house all Registrant information and improve productivity.
Develop standards for Complaints Committee	Developed standards of review for Complaints Committee as a guide for committee members.
Create Minimum Standards Committee	Created Minimum Standards Committee and mandate to develop minimum educational standards.
Initiate dialogue with Federal Government	Initiated dialogue with Federal Government on the issue of consumer protection at the federal level.

# **OPERATIONAL PERFORMANCE REVIEW**

TICO had a registrant base of 3,026 on March 31, 2000. As noted in Figure 1, this registrant base has remained relatively constant over the last five years. This total comprises of 2,524 retail travel outlets, who sell travel services directly to consumers and 502 travel wholesalers, who sell travel product to travel retailers (Fig. 2).

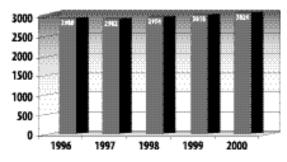


Figure 1: Total Registrants under Travel Industry Act

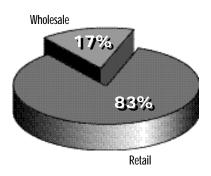
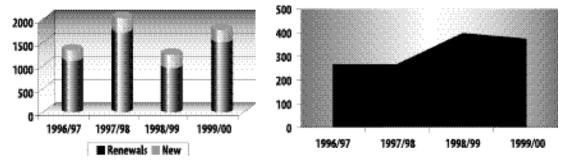


Figure 2: Breakdown of Registrants



A total of 1,739 registrations were processed under the Travel Industry Act in 1999/00 (Fig. 3), which included 262 new registrations and 1477 renewals. As registrations are renewed bi-annually on the anniversary date of the registrant's original approval date, there is a fluctuation in the number of renewals each year. This resulted in an expected increase of 38% over the previous year. Since the commencement of self-management, the average time for processing registrations has decreased from 30 days to 10 days.

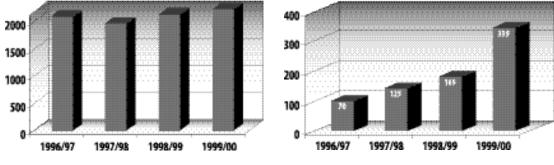
TICO handled 379 written consumer complaints in 1999/00 and successfully assisted consumers in obtaining \$88,951 in restitution. In addition to this, TICO receives approximately 100-150 telephone and walk-in complaint inquiries each month.

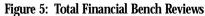






Under the direction of the Registrar, the Travel Industry Council of Ontario is responsible for conducting a financial inspection programme. All Registrants financial statements are subject to a bench review to ensure compliance with the financial standards required by regulation. The bench review process produces information, which may determine those registrants that should be targeted for site inspections (Fig. 5). During the fiscal period 99/00, site inspections increased by 105% from 165 in 98/99 to 339 in 99/00. (Fig. 6)





**Figure 6: Financial Site Inspections** 

TICO performed 102 compliance site inspections during the 1999/00 fiscal year to address various issues such as advertising guidelines, invoicing and operating without registration. In 1999/00 a total of 169 warnings for operating without registration and 268 advertising warnings were issued to registrants and/or individuals who appeared to be carrying on business in contravention of the Travel Industry Act and Regulation. In addition, 69 invoicing warnings were issued to registrants who did not provide proper invoices and/or receipts in accordance with the provision in Reg.806/93.



# **Travel Compensation Fund**

#### Claims

Claims paid during the fiscal year ended March 31, 2000 compared to the previous year ended March 31, 1999 were as follows:

	<u>1999/00</u>	<u>1998/99</u>
Number of claims paid	182	466
Number of consumers assisted	1504	913
Claims paid	\$992,914*	\$509,221
Less recoveries	(257,258)	(61,291)
Net claims paid	\$735,656	\$447,930

\* Total claims paid amount includes imminent departure payments totalling \$801,680.06 resulting from the failures of Shalom-K Tours, Sunjet Holidays and Premier Holidays. Imminent departures are not included in the number of claims paid for statistical purposes.

#### Most Significant Closures 1999/00

#### Shalom-K Tours Ltd.

On September 24, 1999, Shalom K Tours Ltd. voluntarily surrendered its registration, as a travel retailer and travel wholesaler under the Travel Industry Act. To March 31, 2000, a total of \$181,249.24 was paid out of the Compensation Fund to assist 314 consumers. These figures include the imminent departure of 137 passengers who were assisted at the time of the registrant's failure.

#### Sunjet Holidays Inc.

On December 31, 1999, Sunjet Holidays Inc. voluntarily surrendered its registration as a travel retailer and travel wholesaler under the Travel Industry Act. To March 31, 2000, a total of \$406,842.00 was paid out of the Compensation Fund to assist 492 consumers. These figures include the imminent departure of 400 passengers who were assisted at the time of the registrant's failure.

#### Premier Holidays Ltd.

On January 31, 2000, Premier Holidays Ltd. voluntarily surrendered its wholesale and retail registration under the Travel Industry Act. To March 31, 2000, a total of \$328,875.75 was paid out of the Compensation Fund to assist 591 consumers. These figures include the imminent departure of 581 passengers that were assisted at the time of the registrant's failure. To March 31, 2000, TICO has recovered a total of \$171,310.



# SUMMARY OF CLOSURES RESULTING IN CLAIMS AGAINST THE COMPENSATION FUND AND CORRESPONDING RECOVERIES

REGISTRANTS	CLAIMS PAID 1999/00	RECOVERIES 1999/00	CLAIMS PAID 1998/99	RECOVERIES 1998/99
	\$	\$	\$	\$
Adventures Unlimited, Toronto (R)	_		400	(4,725)
Akal Travel, Toronto (R)	—	(1,500)	_	(2,000)
Algonquin Travel, Ottawa (R)	_		3,500	_
Caledonia International, Windsor (R)	_		15,541	_
Canadian International, Toronto, (R)	_			(3,889)
Carlson Wagonlit Travel, Napanee (R)	13,504		9,404	_
Choice Travel, Toronto (R)			780	_
Condor Holidays, Ottawa (R)	_		3,771	_
CTH Travel Inc., Hamilton (R)	3,500			_
Diamond Tours, London (R)/(W)	3,857	(68,172)	96,134	(20,981)
Hummingbird Travel, Brampton (R)	_		426	_
Omni Travel, Hamilton (R)	750		_	_
People's Travel, Windsor (R)	4,252		_	_
Premier Holidays, Mississauga (R)/(W)	328,876	(171,310)	_	_
Sandalls Travel, Brampton (R)	—		10,018	(10,000)
Shalom—K Tours, North York (R)/(W)	181,249		_	_
Silver Fox Tours, London (R )	3,754	(3,312)	231,126	(10,178)
Stonesmith, Ottawa (R)	—	—	8,711	_
Sunjet Holidays, North York (R)/(W)	406,842		_	—
Sunkiss Travel, Toronto (R)	749	—	—	—
Sunny Isles Vacations, Toronto (R)	—		43,600	—
Suzy's Travel, Port Perry (R)	—	—	960	—
TEC Travel, Toronto (R)	39,409	(10,000)	—	_
The Travel Bug, Mississauga (R)			13,731	—
The Travel Counter, Toronto (R)	3,955	(2,964)	7,036	(7,036)
Tourasia, North York (R)	1,242		57,144	—
Travel Plus Travel, Fort Erie (R)	—		2,948	—
Two Girls Tours, Toronto (R)	_		3,120	—
Uniglobe Can Travel, Milton (R)	—		—	(2,582)
Unitravel Services, Ottawa (R)	_		630	—
White Sands Travel, Etobicoke (R)	976	_	_	_
World Travel Service, Toronto (R)		_	241	_
TOTAL CLAIMS PAID (GROSS)	\$992,914	(\$257,258)	\$509,221	(\$ 61,291)

(R) = Retailer (W) = Wholesaler



Fig. 8 illustrates that in 1999/00 gross claims paid by the Fund increased by 95% from the previous year. Although the number of registrant closures were lower to the previous year, the increase is primarily due to the closure of three registrants (Shalom-K Tours, Sunjet Holidays and Premier Holidays) which held both a wholesale and retail registration and resulted in claims for a combined total of \$916,967. (Figure 8) These three closures reflect 92% of the total claims paid.

There was an increase in recoveries received by TICO in 1999/00, with \$257,258 recovered compared to \$61,291 in 1998/99. (Figure 9)

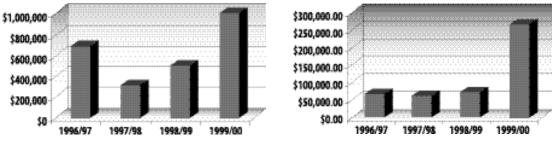


Figure 8: Claims on the Fund in Dollars

Figure 9: Recoveries to the Fund

Contributions to the Fund from registrants (Figure 10 and Figure 11) have decreased by \$92,116 over 98/99.

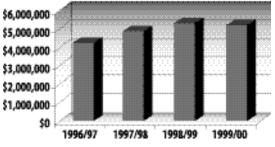


Figure 10: Contributions on the Fund

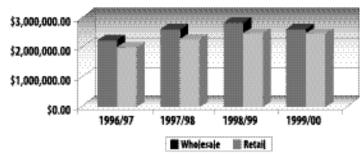


Figure 11: Contributions on the Fund - Retail vs Wholesale



# LEGAL MATTERS

#### Claims

The Licence Appeal Tribunal (LAT), formerly known as the Commercial Registration Appeal Tribunal (CRAT), hears appeals from decisions of the Board relating to the eligibility of claims. During the period ended March 31, 2000, CRAT held one hearing regarding a claim. CRAT allowed this appeal which related to documentation.

#### **Prosecutions**

Armiran Travel of Canada Ltd. was convicted of operating as a travel agent without being registered under the Travel Industry Act. The principal, Stephen Tchilingirian was fined \$1,000 and placed on probation for one year.

David Young, operating as Mexico for Mature Citizens, was also convicted of operating without registration under the Travel Industry Act and placed on probation for two years with conditions that include a requirement to make restitution to various consumers in the total amount of \$13,384.

Tourasia Inc. and its manager, Paul Soni were convicted of failing to maintain trust accounting. Paul Soni was sentenced to a fine of \$2,000 and a probation order requiring restitution in the amount of \$58,385. Tourasia Inc. was sentenced to a \$2,000 fine.

#### Proposals to Revoke Registration

A total of 107 proposals to revoke registration were issued during the 1999/00 year. The reasons for the proposals included failure to file financial statements, failure to file Form 1 contributions to the Compensation Fund, failure to maintain minimum working capital as well as other infractions.

#### Legislative and By-law Changes

There were no significant changes to the Travel Industry Act or regulation in the 1999/2000 period.

In June 1999, TICO's By-Laws were amended so as to enable board members associated with Marketing Groups to be eligible to act as Chair or Vice-Chair. Copies of TICO's by-laws are available upon request.

TICO's legislative and regulatory review process is continuing. The Board has submitted several recommendations to the Ministry and a consultation paper is expected to be released in Summer 2000.



# **Complaint Handling Process**

TICO staff receive numerous telephone enquiries on a daily basis including those from consumers, registrants, applicants, government and industry stakeholders. TICO staff provide callers with information with respect to consumer and business complaints, registration processes and acceptable business practice.

TICO provides complaint handling for consumer-to-registrant disputes. After encouraging consumers to pursue all avenues with the registrant, TICO staff will assist with the goal of reaching a mutually acceptable solution. When a complaint involves allegations of non-compliance with the Act, the Registrar will undertake the necessary compliance and enforcement activities. When a mutual solution is not reached, complainants are provided with information regarding options to further pursue matters. TICO undertakes to provide a response to a complainant within 30 days.

Registrant-to-registrant disputes have not been handled traditionally by the Registrar, unless financial issues or other allegations of non-compliance with the Act are involved.

#### **Complaints Committee**

Consumers and registrants with complaints about TICO's activities are invited to contact the Complaints Committee of the Board of Directors.

The Complaints Committee's mandate is to review and resolve, as appropriate, complaints against TICO, which are based on dissatisfaction with the quality and fairness of its services to registrants and consumers. The Committee also makes any recommendations with respect to TICO's complaint handling procedures that may arise from reviews of particular complaints. The Committee is composed of representatives of various stakeholders. During the 1999/2000 fiscal period, the Committee received two complaints. The Committee also developed standards of review that will serve as a reference guide in reviewing complaints.

Appeals against the Registrar's administrative decisions may proceed, as appropriate, to the Licence Appeal Tribunal. Complaints may be submitted to TICO by telephone, fax, mail or e-mail.

#### French Language Services

TICO receives minimal inquiries in the French language. When it does, it strives to respond to all inquiries received, whether oral or written. A comparable level of service will be provided in either language whenever and wherever demand and customer service warrant. TICO staff are able to communicate in several languages and provide both registrants and consumers with a timely, courteous and quality response to all French language enquiries. Correspondence received in French is responded to in French.



# **FINANCIAL REVIEW**

#### TRAVEL INDUSTRY COUNCIL OF ONTARIO FINANCIAL REVIEW

The financial review is based on the financial statements for the year ended March 31, 2000, with comparative figures for March 31, 1999.

#### **OPERATING RESULTS**

Revenue exceeded expenses by \$3,569,290 for the year ended March 31, 2000, compared to \$4,435,662 for the year ended March 31, 1999.

#### REVENUE

Total revenue for the year ended March 31, 2000 was \$7,121,734 and derived from semi-annual assessments from registrants (\$5,165,273), applications for renewal of registration (\$659,649), and from new applications for registration (\$557,750). A total of \$739,062 in interest was earned during the year.

The rates of assessment were unchanged from last year at \$1.60 per \$1,000 of wholesale sales and \$0.40 per \$1,000 of retail sales. Semi-annual payments from registrants were the primary source of revenues. The revenue from these payments decreased by \$92,117 or 1.75% over the previous year as follows:

<u>2000</u>	<u>1999</u>
\$2,691,535	\$2,812,282
<u>2,473,738</u>	<u>2,445,108</u>
\$5,165,273	\$5,257,390
	\$2,691,535 <u>2,473,738</u>

New application fees are \$2,375 and cover the first two years of registration. The fee for renewal of registration is \$375 and is assessed bi-annually. Registrations are currently renewed on the anniversary date, two years following the initial registration date.

#### **EXPENSES**

Expenses for general operations totalled \$3,552,444 in 1999/2000 compared to \$2,518,605 in 1998/1999. Although this appears to be a significant increase over 1998/1999 the increases are within the scope of the corresponding business plan that was provided to stakeholders in June 1999. Increases in expenses largely results from four categories:

► The full assumption of functions previously carried out by government are now completely carried out independently by TICO at new office premises. Additional recurring costs include rental of larger office space and a new database.



- Net claims expenses are \$287,726 higher due to the closure of two large wholesale operators.
- ► Consumer and registrant awareness accounted for a total expense of \$310,034.
- ► Increases in staffing, inspections and compliance to bring levels to their full complement accounted for an increase of \$236,817.

The significant variances in expenses are as follows:

Total claims paid for the year ended March 31, 2000, were \$992,914 compared to \$509,221 for the year ended March 31, 1999. Claims paid were reduced by recoveries from security deposits and repayments from registrants in the amount of \$257,258 for total net claims of \$735,656.

Claims insurance expense in 1999/2000 was \$557,397. For a second year, the Board of Directors approved the purchase of an excess insurance policy to protect the Compensation Fund. The insurance comes into effect when claims individually in excess of \$25,000 have exceeded \$4,000,000 in a policy year.

Salaries and benefits have increased by \$133,144 for the year ended March 31, 2000. The increase is the result of hiring additional staff to the full complement provided for TICO's three-year business plan.

Inspections & compliance category now includes prosecution expenses and has increased by \$103,673 over 1998/1999, part of which is attributed to two additional full time inspectors hired as part of the enhanced inspection programme.

Office and general expenses exceed the budget forecast and are \$2,984 more than the previous year.

Rent increased in 1999/2000 by \$58,041 to take account of TICO's first full year in it's new larger office premises.

Board meeting expenses at \$94,957 include per diems and expenses paid to board members attending board meetings and to board and non-board members attending committee meetings as well as the cost of TICO's Annual General Meeting.

Regulatory Reform of \$88,637 includes the cost of external counsel and a contract lawyer hired to assist in the ongoing regulatory and legislative review process.

Ontario Government transition fees expense has decreased by \$6,992 for the year as database expenses are now incurred directly by TICO. During its third year of operation, TICO was required to pay an annual administration fee and for part of the year a monthly charge was applied for using the Government's travel registration database.



Consumer and registrant awareness continued in 1999/2000 and as anticipated, increased significantly over the prior year. Expenses in this category include a comprehensive province-wide consumer awareness programme, the continuation of TICO's newsletter to its registrants, the branding of TICO's logo, development of TICO's website, increased participation at trade shows and a one time cost for Y2K awareness.

Computer expense also increased by \$39,176, as anticipated, to account for the installation and implementation of a new database that consolidates several sources of data.



# **APPENDIX I**

# Travel Industry Council of Ontario Audited Financial Statements

MARCH 31, 2000

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# TRAVEL INDUSTRY COUNCIL OF ONTARIO AUDITORS' REPORT

AS AT MARCH 31, 2000

	McGovern, Hurley, Cunningham, LP Chartered Accountants
	Page 1
	AUDITORS' REPORT
	loard of Directors of
Travel	ndustry Council of Ontario
March 3 ended	a audited the statement of financial position of Travel Industry Council of Ontario as at 1, 2000 and the statements of operations and changes in net assets for the year then These financial statements are the responsibility of the Council's management. Our bility is to express an opinion on these financial statements based on our audit.
standard financial basis, ev includer	ducted our audit in accordance with generally accepted auditing standards. Those is require that we plan and perform an audit to obtain reasonable assurance whether the statements are free of material misstatement. An audit includes examining, on a test idence supporting the amounts and disclosures in the financial statements. An audit also a assessing the accounting principles used and significant estimates made by ment, as well as evaluating the overall financial statement presentation.
position	pinion, these financial statements present fairly, in all material respects, the financial of the Council as at March 31, 2000 and the results of its operations and the changes in assets for the year then ended in accordance with generally accepted accounting s.
	McGOVERN, HURLEY, CUNNINGHAM, LLP
	19- Erren, Harly, lungher, un
	Chartered Accountants
TORON May 2, 3	ITO, Canada 2000
005 Sh	eppard Avenue East, Sulte 503, Toronto, Ontario, Canada, M2J 584 (415) 476-1234 - Fax (416) 476-0125 - E-Mail info@mhc-ca.com - Weblife: www.mhc-ca.com



#### TRAVEL INDUSTRY COUNCIL OF ONTARIO **STATEMENT OF FINANCIAL POSITION** AS AT MARCH 31, 2000

	2000 \$	1999 \$
ASSETS		(Note 9)
CURRENT		
Cash and short-term investments (Note 3)	16,996,575	13,532,988
Accounts receivable	12,150	3,695
Prepaid expenses	260,220	399,191
	17,268,945	13,935,874
CAPITAL (Note 4)	338,596	143,676
	17,607,541	14,079,550
LIABILITIE	S	
CURRENT		
Accounts payable and accrued liabilities	297,500	460,834
Deposits from registrants	221,923	99,888
	519,423	560,722
NET ASSE	TS	
Net assets per statement	17,088,118	13,518,828
	<u>17,607,541</u>	<u>14,079,550</u>
Approved on behalf of the board:		
, Chair		

"W.H. BRUCE FRASER", Director



#### TRAVEL INDUSTRY COUNCIL OF ONTARIO **STATEMENT OF CHANGES IN NET ASSETS** FOR THE YEAR ENDED MARCH 31, 2000

	Invested in Capital Assets \$	Restricted For The Ontario Travel Industry Compensation Fund \$	Restricted For Travel Industry Council of Ontario \$	1999 Total \$	1998 Total \$
					(Note 9)
Balance, beginning of year	143,676	12,634,084	741,068	13,518,828	412,094
Excess of revenues over expenses	_	3,348,816	220,474	3,569,290	4,435,662
Transfer of The Ontario Travel Industry Compensation Fund net assets	_	_	_	_	8,671,072
Purchase of capital assets	260,707	(143,388)	(117,319)	_	_
Amortization of capital assets	(65,787)	36,183	29,604		
Balance, end of year	338,596	15,875,695	873,827	17,088,118	13,518,828



# TRAVEL INDUSTRY COUNCIL OF ONTARIO **STATEMENT OF OPERATIONS** FOR THE YEAR ENDED MARCH 31, 2000

	2000 \$	1999 \$
		(Note 9)
REVENUES		
Semi-annual payments from registrants	5,165,273	5,257,390
Renewals	659,649	372,000
Application fees from new registrants	557,750	623,250
Interest and sundry income	739,062	701,627
	7,121,734	6,954,267
EXPENSES		
Claims	992,914	509,221
Claims insurance	557,397	483,850
Professional fees and services	38,265	26,511
	1,588,576	1,019,582
Less: Recoveries	(257,258)	(61,291)
	1,331,318	958,291
Salaries and benefits	830,581	697,437
Consumer and registrant awareness	310,034	14,836
Inspections, compliance and prosecutions	288,258	184,585
General and office	210,311	207,327
Rent	150,996	92,955
Board meeting expense	94,957	60,273
Regulatory reform	88,637	54,100
Computer expense	72,130	32,954
Ontario Government transition fees	31,837	38,829
Professional fees	29,528	58,514
Insurance	22,041	19,631
Credit checks	16,293	14,179
Travel	9,736	15,769
Moving expenses	—	26,378
Amortization	65,787	42,547
	3,552,444	<u>2,518,605</u>
Excess of revenues over expenses	3,569,290	4,435,662



TRAVEL INDUSTRY COUNCIL OF ONTARIO NOTES TO THE FINANCIAL STATEMENTS MARCH 31, 2000

#### 1. NATURE OF OPERATIONS

Travel Industry Council of Ontario (TICO) was incorporated on April 7, 1997 as a not-for-profit corporation without share capital, under the laws of Ontario. TICO is designated by the Lieutenant Governor in Council, as the Administrative Authority responsible for administration of the Ontario Travel Industry Act (The Act). TICO's responsibilities are to carry out delegation of "The Act" in accordance with the Administrative Agreement signed on April 29, 1997 and to achieve the Minister of Consumer and Commercial Relations' goal of maintaining a fair, safe and informed marketplace.

The Ontario Travel Industry Compensation Fund (the Fund) is a fund established under the Ontario Travel Industry Act and Regulation to reimburse consumers for prepaid travel services when they have dealt with an Ontario registrant, the travel services have not been provided and the registrant is unable to refund their money by reason of bankruptcy or insolvency. The Fund does not pay claims resulting from the failure of end suppliers, such as airlines, to provide travel services.

#### 2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The accounting policies of TICO are in accordance with generally accepted accounting principles and their basis of application is consistent with that of the previous year. Outlined below are those policies considered particularly significant.

Investments:

Short-term investments are recorded at cost. Discounts are amortized to income over the term of the investment.

Capital Assets and Amortization:

Capital assets are stated at acquisition cost. Amortization is provided on the diminishing balance basis at the following annual rates:

Furniture and equipment	20%
Computer hardware	30%
Computer software	100%
Database	20%



#### 2. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (Continued)

Leasehold improvements are amortized on a straight line basis over the remaining term of the lease, which expires September 2, 2008.

#### Revenue Recognition:

The deferral method of accounting for contributions is followed. The application of this method of accounting results in revenue in the form of semi-annual payments from registrants, as well as renewals and application fees from new registrants, being recorded when received. Interest income is recorded on the accrual basis.

#### Claims:

Claims are recorded at the time of approval by the Board of Directors. Claims must be made within six months after the event that gives rise to the claim.

#### Recoveries:

Amounts recoverable to offset claims paid, including commissions recoverable from registrants, are recorded when received.

#### **Repatriation Costs:**

Repatriation costs are authorized solely by the Director under the Travel Industry Act and are recorded when paid.

#### Use of Estimates:

The preparation of financial statements in accordance with generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent liabilities at the date of the financial statements and the reported amount of revenues and expenses during the reporting period. Actual results could differ from those reported.

#### Financial Instruments:

The carrying amounts for cash and short-term investments, accounts receivable, accounts payable and accrued liabilities on the balance sheet approximate fair value because of the limited term of these instruments. Fair value estimates are made at the balance sheet date, based on relevant market information and information about the financial instrument. These estimates are subjective in nature and involve uncertainties in significant matters of judgement and therefore cannot be determined with precision. Changes in assumptions could significantly affect these estimates.



#### 3. CASH AND SHORT-TERM INVESTMENTS

			<u>2000</u> \$		<b>199</b> \$ te 9)
	Cash on hand and in bar	ık	10,426,93	4 7,283,	962
	Government of Canada treasury bills, Government of Canada and Province of Ontario bonds and other debentures, at cost plus amortized discounts, which				
	approximate market values		6,569,64	1 6,249	026
			<u>16,996,57</u>	<u>5 13,532,</u>	<u>988</u>
4.	CAPITAL ASSETS				
		<u>Cost</u> \$	Accumulated <u>Amortization</u> \$	2000 <u>Net</u> \$	1999 <u>Net</u> \$ (Note 9)
	Furniture and equipment Computer hardware Computer software Database Leasehold improvements	127,436 142,048 16,550 169,222 24,744	28,444 63,033 16,361 16,922 <u>16,644</u>	98,992 79,015 189 152,300 <u>8,100</u> 338 596	62,149 67,025 5,322 
		480,000	141,404	338,596	<u>143,676</u>

#### 5. **RESTRICTED NET ASSETS**

Article 2.01 of By-law one of TICO requires that all monies held by the Corporation shall be used in promoting its objects. Section 45(5) of Regulation 806/93 enacted under The Travel Industry Act requires that all money in the Fund and any income on such money shall be held by TICO in trust for the benefit of claimants whose claims for compensation are approved by TICO in accordance with the Regulation.

Regulation 806/93 made under the Travel Industry Act restricts the maximum amount that may be reimbursed for a failure to provide travel services with respect to all claims arising out of an event or a major event to \$5,000,000, subject to a maximum of \$3,500 per person, plus an additional \$2,000,000 for repatriation costs.



#### 6. INCOME TAX

As a non-profit Corporation, TICO is not subject to income taxes, in accordance with Section 149(I)(w) of the Income Tax Act.

#### 7. COMMITMENTS

- (a) Under terms of an administrative agreement dated April 29, 1997 between TICO and the Ministry of Consumer and Commercial Relations, TICO is obligated to pay a minimum annual fee of \$20,000 per year for five years, adjusted once per year using the Consumer Price Index, to the Province of Ontario, commencing April 1, 1998.
- (b) TICO is committed to a minimum rental under a long-term lease for its premises which will expire September 2, 2008. Minimum rental commitments remaining under this lease approximate \$762,314 including \$87,606 due within one year. Minimum rental commitments for successive years approximate:

2001	\$ 87,606
2002	87,606
2003	87,606
2004	87,606
2005	93,258
Subsequent years	318,632
	\$762,314

#### 8. STATEMENT OF CASH FLOWS

. . . .

A statement of cash flows has not been included in these financial statements as management believes it would not provide additional useful information.

#### 9. COMPARATIVE FIGURES

Certain of the 1999 comparative figures have been reclassified to conform with financial statement presentation adopted for 2000. The comparative figures include operations of The Ontario Travel Industry Fund Corporation for the period April 1, 1998 to June 24, 1998, the date on which its net assets were transferred to TICO.









# **APPENDIX II — TICO BOARD OF DIRECTORS**

#### **Industry Representatives**

Neil Winter, CTC - Chair (2)(10)(17)(20)(16) Executive Director Travel T-Comm Mississauga (Elected)

Peter Linnett – Vice Chair (5) (8) (18) (20) Director, Special Projects Regent Holidays Limited Mississauga (CATO)

Robert Van Kleek (10)(12)(14)(20) President Pathway Tours London (OMCA)

Frank Dennis (4) (8) (10) (19) President & CEO Uniglobe Travel (Eastern Canada) Mississauga (ACTA)

**Douglas A.E. Hamer** (6) President Red Seal Tours Toronto (Elected)

**Bruce Hood** (10)(12)(14) President Bruce Hood Travel Milton (ACTA)

**Moe Jeppesen (**6)(8)(15)(20) President Sherwood Village Travel Mississauga (Elected)

Robert McChlery, CTC (6)(14) Regional Sales Manager Barbados Tourism Authority Toronto (CITC)

**Trish McTavish** (8) (20) (23) Vice President, Sales McTavish Travel Oakville (ACTA) **Gordon Waugh** (21) Chairman The Holiday Network Toronto (CATO)

Jill Wykes (8) (14) (20) Vice President North American Leisure Group Toronto (CATO)

#### **Government Appointees**

Sue Corke (10)(13)(16) Assistant Deputy Minister Business Division Ministry of Consumer and Commercial Relations Toronto

W.H. Bruce Fraser, C.A. (3)(7)(9)(18)(20) Management Consultant Toronto

Marilynne Day-Linton,C.A. (1)(4)(11) Consultant Toronto

**Donald Slinger** (10)(12) Immediate Past President Canadian Snowbird Association Toronto

The following members also served on the Board of Directors during the past fiscal year:

**Rob Blowes**, CTC (6)(14)(22) Vice President Blowes Travel Ltd. Stratford (ACTA)

**Grant DeMarsh,** C.A. (4) (10) (20) (24) Vice President, Finance Signature Vacations Toronto (CATO)

- (1) Chair Administrative Committee
- (2) Member Administrative Committee
- (3) Chair Audit Committee
- (4) Member Audit Committee
- (5) Chair Business Strategy Committee
- (6) Member Business Strategy Committee
- (7) Chair Alternate Funding Committee
- (8) Member Alternate Funding Committee
- (9) Chair Compensation Fund Committee
- (10) Member Compensation Fund Committee
- (11) Chair Complaints Committee
- (12) Member Complaints Committee
- (13) Chair Minimum Standards Committee
- (14) Member Minimum Standards Committee
- (15) Chair Ethics Committee
- (16) Member Ethics Committee
- (17) Chair Executive Committee
- (18) Member Executive Committee
- (19) Chair Legislative & Regulatory Review Committee
- (20) Member Legislative & Regulatory Review Committee
- (21) Effective March 23, 2000
- (22) Served to March 29, 2000
- (23) Effective March 30, 2000
- (24) Served to Jan 21, 2000



# **APPENDIX III**

#### **Statutory Appointments**

Michael Pepper Statutory Director, Travel Industry Act

Michael Pepper Statutory Registrar, Travel Industry Act

#### **TICO Staff**

**Chief Executive Officer** Michael Pepper

**Controller & Treasurer** Mary-Ann Harrison, C.A.

**Legal Counsel & Corporate Secretary** Heather Plewes, LL.B.

Manager, Administration & Claims/ Executive Assistant to the CEO Dorian Werda

**Registration Co-ordinator** Cora Reyes

**Registration Officer** Anabel Linhares

Form 1 and Claims Co-ordinator Lori Furlan

**Client Services Representative** Minah Oh

#### Auditor

McGovern Hurley Cunningham 2005 Sheppard Avenue East, Suite 503 North York Ontario M2J 5B4 **Compliance Officer** Rachel Palozzi

**Legal Counsel** Fatima Husain, LL.B.

**Financial Inspections Co-ordinator** Pamela Stout

**Inspectors, Designated by the Registrar** Jack Foster, C.M.A. Fred Angus, C.G.A. Scott McBride, C.G.A. Maria Descours, C.M.A.

**Provincial Offences Officer** Forbes Stanway

Administrative Assistant Karen Campbell

**Reception** Paula Oliveira

For more information please contact:



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