

## DISCLOSURE PRIOR TO BOOKING

Section 36 of Ontario Regulation 26/05 pursuant to the *Travel Industry Act, 2002* sets out the requirement that a travel agent must disclose certain information to a customer before completing a travel sale with the customer. This requirement must be met whether the travel agent is dealing with the consumer in person, on the phone or over the internet.

## CONDITIONS OF TRAVEL

The agent must bring to the customer's attention any conditions related to the purchase of travel services that the travel agent has reason to believe may affect the customer's decision to purchase. This would include such conditions as construction at the resort, health or travel warnings.

## TOTAL PRICE

The agent must disclose the total price of the travel services, the travel dates and a fair and accurate description of the travel services to be provided. This would include any service fee or consulting fee that will be charged.

## CANCELLATION FEES AND NON-REFUNDABLE AMOUNTS

Explain to the customer any requirements or limitations relating to the transfer or cancellation of travel services including any cancellation penalties or costs related to the transfer and any amounts that are non-refundable.

## INSURANCE

Advise the customer of the availability of trip cancellation insurance and out of province health insurance, if applicable.

## TRAVEL DOCUMENTS

In the case of travel outside of Canada, the travel agent must advise the customer:

- About the typical information and travel documents, such as passports, visas and affidavits that will be needed for each person for whom travel services are being purchased.
- That entry to another country may be refused even if the required information and travel documents are complete, and

- That living standards and practices at the destination and the standards and conditions there with respect to the provision of utilities, services and accommodation may differ from those found in Canada.

Please note that what is considered typical information and travel documents may vary depending on the specific destination. The information needs to be provided for each person for whom travel services are being purchased. Thus, the agent should inquire about the type of passport or citizenship for each person traveling and indicate to the consumer the type of documentation required for each individual. If the transaction is being done on the internet, the agent may wish to caution the customer that if they are unsure about the information provided regarding the documentation required, they should contact the agent to confirm the requirements prior to booking.

The following list provides some examples of typical kinds of information that customers should be advised about:

- if a passport is required and whether the passport must be valid for a certain period of time after the date of departure
- whether a visa is required
- if a parent is traveling alone with a child, that an affidavit or letter from the other parent may be required
- if medical inoculations are required
- how long it usually takes to obtain passports, visas or affidavits if required
- that entry to another country may be refused even if the required information and travel documents are complete as travel documentation is subject to change
- that it is the consumers responsibility to ensure that they have the appropriate travel documentation
- that living standards, practices in other countries and the standards and conditions with respect to the provision of utilities, services and accommodation may differ from those found in Canada

Agents must include the information regarding the travel documentation on the invoice to the customer after the travel sale has been completed.

The following statement would **NOT** be adequate disclosure to the consumer.

**Travelers may require a passport and visa. It is the responsibility of the traveler to ensure that they have the appropriate documentation.**

The statement is not adequate as it does not address the requirements for each person traveling and may not provide enough information about the documentation required for the specific destination.

## OTHER TERMS AND CONDITIONS

The travel agent must refer to other terms and conditions, if any, that relate to the travel services being purchased and advise the customer where those conditions may be reviewed.

## TRAVEL AGENT REQUIRED TO ANSWER QUESTIONS

The travel agent must advise the customer that the travel agent is required to answer any questions the customer may have arising from the information provided in a representation. If the travel agent is operating on the internet the travel agent should provide a telephone number to call or provide some other method to answer the customer's questions.

## DISCLOSURE AFTER BOOKING IS COMPLETED

### Travel Agent's Invoice

Section 38(1) of the Regulation states that a travel agent must promptly provide a statement, invoice or receipt to a customer after selling travel services. This documentation must include all the information required to be disclosed to the consumer at the time of booking. TICO recognizes that consumers purchase travel in various ways, in person, over the phone or on the internet. In all cases, a statement invoice or receipt must be provided. Even if the sale is an airport pickup, this documentation must be provided.

TICO also recognizes that registrants may include the itinerary as part of the statement, invoice or receipt. No matter what form of statement, invoice or receipt is used all of the required information must be provided to the consumer. If more than one document forms part of the statement, invoice or receipt, the documentation should clearly indicate this.

The statement, invoice or receipt should, if prepared manually, be consecutively pre-numbered or if it is prepared by computer, assigned a unique identifier.



The statement, invoice or receipt must include the following information:

- The name and address of the customer who purchased the travel services, and the name and address, if known, of each person on whose behalf the payment is made;
- The date of the booking, the date and amount of the first payment, any balance owing, if known, and when, if applicable, the balance is due;
- Any fees, levies, surcharges, taxes or other charges and whether those amounts are refundable or not; TICO does not expect registrants to break out every individual fee if the travel agent does not have this information. It is acceptable to lump together some of the charges on the invoice, however, registrants must identify on the invoice amounts that are not refundable;
- The total price of the travel services;
- The name under which the travel agent carries on business, the address, telephone number and registration number of the travel agent and any other way the consumer can contact the travel agent such as fax number or email address;
- A fair and accurate description of the travel services purchased including the destination, the departure date and the names of the persons providing the travel services;
- Indicate whether the customer has purchased trip cancellation and out-of-province health insurance;
- Whether the contract permits price increases, and if the contract permits price increases:
  - A statement that no price increases are permitted after the customer has paid in full; **and**
  - A statement that if the total price of the travel services is increased and the cumulative increase, except any increase resulting from an increase in retail sales tax or federal goods and services tax, is more than 7 per cent, the customer has the right to cancel the contract and obtain a full refund
- The advice given to the customer regarding the typical information and the travel documents needed for each person for whom travel services are being purchased. This would include, but is not limited to, passports, visas, affidavits for minor children and any vaccinations that may be required;
- The name of the travel counsellor who made the booking and accepted the first payment.



### ADVISING CUSTOMERS OF CHANGES

Section 37 of the Regulation provides that if, after a customer had 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.

This section affects both travel agents and wholesalers and includes all representations, whether verbal or written including advertisements or brochures.

#### Example:

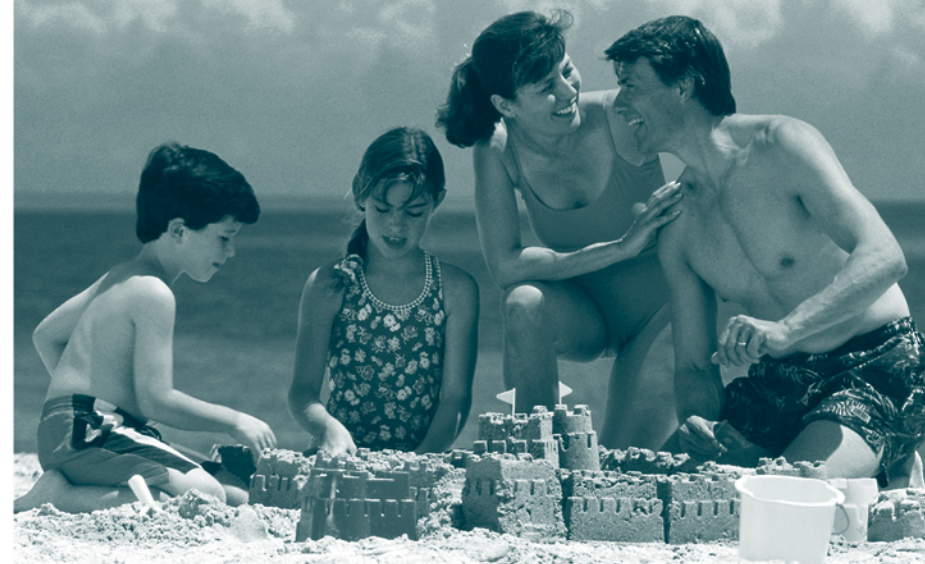
*A resort is now under construction due to damage caused by bad weather. In this circumstance, if the consumer had known before booking the travel services, they may not have chosen this resort, and the registrant must bring this information to the consumer's attention.*



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# What Travel Agents are Required to Disclose to Consumers



**TICO Guidelines for Disclosure**