



Citation: E & R Travel Inc. v. Registrar, *Travel Industry Act, 2002*, 2024 ONLAT TIA 16270

File Number: 16270/TIA

In the matter of an appeal under Section 11(2) of the *Travel Industry Act, 2002*, S.O. 2002, c. 30, Sched. D and Ontario Regulation 26/05, from a Proposal of the Registrar under that Act to Revoke Registration.

Between:

E & R Travel Inc.

Appellant

and

Registrar, *Travel Industry Act, 2002*

Respondent

CONSENT ORDER

ADJUDICATOR:

Jeffery Campbell, Vice-Chair

Date:

November 14, 2024

BACKGROUND

- [1] The appellant, E & R Travel Inc., appeals a Notice of Proposal to Revoke Registration, issued by the Registrar, *Travel Industry Act, 2002* (the “Registrar” or “respondent”) on September 18, 2024.
- [2] The appellant filed an appeal with the Licence Appeal Tribunal (the “Tribunal”) on September 20, 2024.
- [3] The parties advised the Tribunal that they had resolved the issues in dispute and both parties consent to the continued registration of the appellant as a travel agent under the Act on the terms and conditions set out in Schedule A signed by the appellant on November 7, 2024 and by the respondent on November 8, 2024.
- [4] Further, both parties confirmed that pursuant to section 4.1 of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S 2 (the “SPPA”), both parties waive the requirements of a hearing and consent to an Order of the Tribunal to continue the appellant’s registration on the terms and conditions set out on Schedule A. A copy of the agreement signed by both parties is attached as Schedule A to this Order.

ON CONSENT OF BOTH PARTIES, I ORDER:

- [5] Pursuant to s. 4.1 of the SPPA and on the consent of the parties, I dispose of this proceeding without a hearing on the terms set out in the agreement signed by the appellant on November 7, 2024 and by the respondent on November 8, 2024, attached to this order as Schedule A, which Schedule A is incorporated and made part of this Order.

LICENCE APPEAL TRIBUNAL



Jeffery Campbell, Vice-Chair

Released: November 14, 2024



E & R Travel Inc.
Registration #50022869 – R (Retail)

CONDITIONS TO REGISTRATION

Whereas E & R Travel (Registration # 50022869) (the "Registrant") is a travel agent under the *Travel Industry Act, 2002*, ("Act") and is subject to the requirements of the Act and to Regulation 26/05 under the Act ("Regulation") (collectively, the "legislation");

AND WHEREAS a Notice of Proposal to Revoke Registration (the "Proposal") was issued by the Registrar on September 18, 2024;

AND WHEREAS the Proposal alleged that the Registrant failed to submit a financial statement or a verification statement for the 2024 fiscal year-end;

AND WHEREAS the Registrant has addressed the deficiencies outlined in the Proposal since it was issued;

AND WHEREAS the Registrar is agreeable to resolving the Proposal;

AND WHEREAS the Registrar believes that attaching the following conditions to the registration is just in the circumstance;

THEREFORE pursuant to subsection 8(2) of the Act, the Registrant and the Registrar, in accordance with section 4.1 of the *Statutory Powers Procedure Act*, do hereby waive the requirements of a hearing and consent to an Order of the Licence Appeal Tribunal ("Consent Order") based upon the following terms and conditions:

The Registrant accepts the following conditions to its registration:

A. Conditions of Continued Registration

In addition to and without limiting the Registrant's obligation to comply with all requirements of the legislation, and in addition to and without limiting its obligation to comply with all voluntary conditions of its registration including but not limited to those undertaken at the time of its registration and/or renewal of registration, and including without limitation the Trust Declaration, on behalf of the Registrant, undertaking to comply with its provisions, the provisions of the legislation and TICO Guidelines with respect to trust accounts and the depositing, holding and disbursement of trust funds ("Trust Declaration"), the Registrant hereby undertakes to comply with the following additional conditions of its registration:

1. The Registrant shall take care to ensure that annual Financial Statements or Verification Statements are filed with TICO in a timely manner in accordance with the applicable legislation.
2. The Registrant shall take care to ensure that Form 1 is filed with TICO in a timely manner in accordance with the applicable legislation.
3. The Registrant shall respond to any and all requests for information, forms or documents from the Registrar or the Registrar's designate (hereinafter "TICO staff") in a fulsome and timely manner and is responsible for ensuring that any and all Directors and Officers and Supervisor/Managers of the Registrant respond in a fulsome and timely manner. The Registrant shall respond to all requests for information, forms, or documents from TICO staff by the due date or time indicated or, if no specific due date or time is indicated, within 5 business days after the request.
4. The Registrant shall, at all times, maintain the minimum working capital as required by section 24 of the Regulation. If based on the financial statements submitted by the Registrant, the Registrar concludes that the working capital of the Registrant is not in compliance with s. 24 of the Regulation, the Registrant shall take the necessary steps to correct its working capital position and submit proof thereof within 30 days from the request by the Registrar.
5. In addition to and without limitation to the above, the Registrant shall comply will all requirements of the legislation applicable to the Registrant.

- B. The Registrant understands that should it fail to comply with any of the above noted conditions or any other provision of the Act or Regulation, that non-compliance and all previous non-compliance history will be taken into consideration and cited in any decision by the Registrar to take further legal or administrative action including a further Proposal to Revoke or Refuse to Renew Registration under the Act.**
- C. The Registrant hereby acknowledges and understands that nothing in these conditions restricts the right of the Registrar or the Travel Industry Council of Ontario to take further administrative or legal action, or a prosecution for an alleged offence under the Act, as appropriate, including but not limited to any administrative or legal action arising in whole or in part from any non-compliance with these Conditions. For clarity, the Registrant acknowledges and understands that a failure to comply with any provisions of the Conditions of Continued Registration above may result in issuance of the Notice of Proposal to Revoke Registration.**

D. The Registrant and the undersigned on behalf of the Registrant acknowledge they have read, understand and will comply with the entirety of this document including but not limited to the Conditions of Continued Registration.

E. The Registrant and the undersigned on behalf of the Registrant hereby acknowledge that they have been informed of their right to independent legal advice.

REDACTED FOR
PRIVACY REASONS

Name: ELIZABETH CHUNG

Position: DIRECTOR

E & R Travel Inc.

(TICO Registration #50022869)

☒ "I have the authority to bind the Corporation" (please check)

Date: Nov 07 2024

REDACTED FOR
PRIVACY REASONS

Dorian Werda

Registrar, *Travel Industry Act, 2002*

Date: November 8, 2024