



Travel Industry Council of Ontario

TICO'S CODE OF PRACTICE

FOR

ELECTRONIC COMMERCE

November 2014

Preface

TICO's Code of Practice for Consumer Protection in Electronic Commerce establishes standards for good business practices for registrants conducting commercial activities with consumers online. This Code contains sections which already exist as a result of consumer protection, privacy or other laws and regulations, or other general voluntary codes of conduct to which registrants may subscribe.

This Code has been developed for all registrants who have websites and operate in an online environment. The code pertains to all websites including those that only provide information, such as advertisement or business card websites, as well as those websites that have online booking capabilities and are able to carry out commercial transactions with consumers. It is recommended that this Code is reviewed in its' entirety, and that the principles are implemented by the registrant as a best practice to comply with the Travel Industry Act, 2002 requirements and TICO's Code of Ethics. While this is a voluntary Code, many sections are based on the requirements of the Travel Industry Act, 2002 and its Regulation and to which Registrants must comply. The Appendix at the end of this document indicates which sections are based on legislation and which sections are recommended as best practices.

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Definitions

Consumer: a person who purchases travel services from a registrant

Electronic Commerce: any commercial activity that involves buying, selling or otherwise providing a good or service online

Service: includes a service, contract for service or other item of value

Personal Information: any information about an identifiable person

Transaction: any agreement between a vendor and a consumer for provision of a travel service

Registrant: an organization registered under the Ontario *Travel Industry Act, 2002*

The Act: the Ontario *Travel Industry Act, 2002*

Regulation: Ontario Regulation 26/05

TICO: Travel Industry Council of Ontario

Commercial Activity: any activity that promotes or involves the sale of travel services including advertising, directing consumers to call a travel agent or the actual sale of travel services online

Section 1: Information Provision

- 1.1 Registrants shall provide consumers with sufficient information to make an informed decision about whether and how to complete a transaction. All information that the registrant is required to provide pursuant to this Code and to the provisions of the Act and its Regulation must be:
 - a) clearly presented;
 - b) truthful;
 - c) conspicuous and easily accessible on the registrant's website at appropriate stages of the consumers' decision making process, particularly before consumers confirm transactions or provide any personal information; and
 - d) capable of being saved or printed by consumers.
- 1.2 Registrants shall endeavor to ensure that their marketing practices, information and links on their websites are current, accurate and not deceptive or misleading to consumers, and that all objective claims can be substantiated in accordance with section 28 of the Act. It is recommended that registrants include a disclaimer or some form of notice when consumers are using a link and leaving the registrant's website.
- 1.3 Registrants shall identify themselves on their websites pursuant to section 31 of the Regulation and provide information about their policies. Please refer to **Guidelines and Application of the Regulation to Websites** in Appendix B. The information shall include:
 - a) the registrant's legal name under which the registrant carries on business;
 - b) the registrant's address, telephone and fax numbers of the registrant's place of business and email address;
 - c) the registrant's TICO registration number;
 - d) any geographic, age or other restrictions on transactions;
 - e) contact information of the registrant for customer service or who they should contact in the event they have a complaint, if different and a description of the complaints process;
 - f) the registrant's policy on privacy and unsolicited e-mail;
 - g) the contact information for any membership association in which the registrant participates (e.g. TICO) and an online method of verifying its certification or membership and;

- h) the currency used in calculating the price of the travel services;
- i) the registrant's cancellation policies, terms and conditions of purchase and any associated charges or fees.

1.4 Registrants shall make information available about the services for sale in order that consumers are informed before they initiate transactions. The following information shall be included:

- a) if the representation refers to a price, the registrant must disclose in a clear, comprehensible and prominent manner:
 - 1) the total amount the consumers will be required to pay for the travel services, including all fees, levies, service charges and surcharges;
 - or
 - 2) the amount the consumer will be required to pay for the travel services excluding fees, levies, service charges and surcharges, and
 - i) an itemized list of the cost for each fee, levy service charge and surcharge, or
 - ii) the total cost the consumer will be required to pay for fees, levies, service charges and surcharges;

Please refer to **Guidelines and Application of the Regulation to Advertising** for more information in Appendix C.
- b) a fair and accurate description of the travel services, including, details of any transportation, including the name of the principal carrier, the class of service and all departure points, and details of any accommodation;
- c) a statement of any conditions that affect or limit the availability of the price of the travel services;
- d) a statement that further information is available from a travel agent;
- e) deposit requirements and final payment requirements, including the methods of payment available to consumers;
- f) cancellation terms and any cancellation charges and the refund policy;
- g) information about the availability of trip cancellation insurance and out-of-province health insurance if applicable;
- h) the date or anticipated date of commencement and the anticipated duration of any construction or renovation that is likely to interfere with the use and enjoyment of any accommodation;
- i) the period to which the representation applies;

- j) information regarding how the registrant will contact the consumer in the future (e.g. by e-mail, telephone, facsimile);
- k) in the case of proposed travel outside Canada, advise the consumer,
 - i) 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
 - ii) that entry to another country may be refused even if the required information and travel documents are complete and
 - iii) 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;

For more information Registrants may want to refer to **Guidelines and Application of the Regulation to Disclosure and Invoicing** see Appendix D.

- l) any restrictions, limitations or conditions of purchase, such as parental/guardian approval requirements, or any geographical limitations; and
 - m) information regarding the methods available for delivery of the travel documents (e.g. can be delivered by courier, can be picked up at the registrant's office) and a time frame advising when the travel documents will be ready for delivery or pick-up to the consumer.
- 1.5 Prior to the conclusion of transactions, registrants shall ensure that all terms and conditions of sale related to the transactions are available to consumers. Such information shall be set out in a clear, comprehensible and prominent manner and shall include the provisions of section 1.4. The Registrant should ensure that the consumer cannot complete booking travel services unless they have agreed to or acknowledged all of the terms and conditions of the booking. The Registrant should advise the consumer that if they have questions that they should contact the travel agent before continuing with the booking.
- 1.6 Registrants shall provide consumers with a record of the transaction as soon as possible after the transaction has been completed and it shall include the requirements of section 38 of the Regulation as follows:

- a) 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;
- b) the date of the booking and the date of the first payment
- c) the amount of the payment, indicating whether it is full or partial payment, the amount of any balance owing, if known, and the date when it is to be paid;
- d) any fees, levies, service charges, surcharges, taxes or other charges, and whether those amounts are refundable or non-refundable;
- e) the total price of the travel services;
- f) the name under which the registrant carries on business, the registrant's telephone number and registration number, the address of the registrant's place of business, and information respecting other ways, if any, that the consumer may contact the registrant,
- g) a fair and accurate description of the travel services contracted for, including the destination, the departure date and the name of the persons who will provide the travel services;
- h) whether or not the customer has purchased ,
 - i) trip cancellation insurance, and
 - ii) out of province health insurance if applicable;
- i) whether the contract permits for price increases;
- j) if the contract permits price increases,
 - i) a statement that no price increases are permitted after the customer has paid in full, and
 - ii) 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;
- k) the information given to the consumer regarding travel documents such as passports, visas and affidavits, pursuant to section 36(e) of the Regulation and 1.4 (k) above;
- l) and the names of all travel counselors who provided information to the consumer on the registrant's behalf, if applicable;

Section 2: Language

- 2.1 When a registrant offers a service on its website in a given language, the registrant shall use that language to:
 - a) provide all of its material information about the service, the registrant, the registrant's relevant policies, and the terms and conditions of the transaction and all other material described in section 1.3;
 - b) conduct online transactions regarding the service; and
 - c) provide customer service regarding the service.
- 2.2 When after-sales support is not available in the language that the registrant offered the service, this shall be so stated by the registrant in the language in which the transaction was conducted.

Section 3: Contract Formation and Fulfillment

- 3.1 Registrants shall take reasonable steps to ensure that the consumers' agreement to contract is fully informed and intentional. In particular, consumers shall be provided with a meaningful opportunity to correct or cancel the order before it is accepted and processed.
- 3.2 If 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 consumer's decision to purchase, the registrant shall promptly advise the consumer of the change.
- 3.3 Registrants shall maintain effective controls designed to ensure that transactions are billed and completed as agreed, to promptly rectify any mistakes in transaction records, and to ensure that consumers are notified of any such correction.

Section 4: Online Privacy

- 4.1 Registrants shall have a privacy policy in place and adhere to its principles, with respect to the personal information they collect from consumers as a result of electronic commerce activities.

- 4.2 Registrants shall make their privacy policy easily accessible from the home page of their website or at a reasonably early stage of consumers' navigation, and whenever personal information is either requested or collected. Information that must be disclosed as part of the privacy policy includes the following:
- a) the specific kinds and sources of information being collected and maintained online, the purposes for which the information is collected, how that information is being used, and to whom the information may be disclosed;
 - b) the choices available to consumers regarding the collection, use and disclosure of their personal information, how they may exercise and change these choices, and the implications of such choices; and
 - c) how consumers may review and when necessary, correct or remove such information.
- 4.3 Registrants shall limit their collection, use and disclosure of personal information to that which a reasonable person would consider appropriate in the circumstances.
- 4.4 Registrants shall not, as a condition of sale, require consumers to consent to the collection, use or disclosure of personal information beyond that necessary to complete the sale.
- 4.5 When consumer consent to the collection, use and disclosure of personal information is required, and cannot reasonably be implied, such consent shall be:
- a) provided separately from consent to other terms and conditions of the sale of the service; and
 - b) provided through a clearly worded, online opt-in or opt-out process. Opt-out processes must be highly visible and easy to execute.
- 4.6 When registrants transfer personal information to third parties, registrants shall remain responsible for the protection of that information to the extent that the Registrant can control this information. Accordingly, before any such transfer, registrants shall ensure, through contractual or other means, that the third parties comply with the privacy provisions of this Code.

Section 5: Security of Payment and Personal Information

- 5.1 Registrants shall maintain effective controls to protect the integrity and confidentiality of payments and other personal information consumers provide. Security mechanisms shall be consistent with current industry standards and appropriate to the type of information collected, maintained and transferred to third parties.
- 5.2 Registrants shall ensure that third parties who are involved in transactions and have access to personal or payment information comply with 5.1.
- 5.3 Registrants are encouraged to disclose to consumers the level of security used on their website and use the certification services to support security claims and provide website links to these services for validation.

Section 6: Communications with Children

- 6.1 All registrants have a social responsibility to determine whether the person with whom they are communicating or transacting is a child.
- 6.2 Registrants shall take all reasonable steps to prevent monetary transactions with children.
- 6.3 Registrants shall not collect, use or disclose personal information of children without the express, verifiable consent of their parents or guardians. When seeking parental consent, registrants shall clearly specify the nature of the proposed communications, the personal information being collected and all potential uses of the information.

Section 7: Complaint Handling and Dispute Resolution

- 7.1 Registrants shall provide consumers with access to fair, timely and effective means to resolve problems with any transaction. TICO's complaint handling process requires that consumers first

try to resolve complaints directly with the registrant before TICO will become involved.

- 7.2 When a consumer and a registrant cannot resolve a complaint, the registrant is encouraged to advise the consumer that they do have the option to contact TICO.

Section 8: Unsolicited E-Mail

- 8.1 Registrants shall not transmit marketing e-mail to consumers *or* facilitate the transmission of marketing material by any other third party, without their consent. An existing relationship is not established by consumers simply visiting, browsing or searching registrants' websites.
- 8.2 Any marketing e-mail messages vendors send shall prominently display a return e-mail address and shall provide a simple procedure by which the consumer can notify the registrant that they do not wish to receive such messages.

APPENDIX A

Sections of the Code that relate to the *Travel Industry Act, 2002* and its Regulation:

Section 1.1. Section 32, 33, 36 of Regulation

Section 1.2 Section 28 of the Act

Section 1.3 a – c, h, i Section 30,33 and 34 of the Regulation

Section 1.4 Section 33, 34 and 36 of the Regulation
(except for 1.4 j and 1.4 m

Section 1.6 Section 38 of the Regulation

Section 3.2 Section 37 of the Regulation

Sections of the Code that are best practices:

Section 2

Section 3

Section 4

Section 5

Section 6

Section 7

Section 8

APPENDIX B

Guidelines and Application of the Regulation to Websites

Websites are a representation for the purpose of Regulation 26/05 (Regulation) made under the Ontario *Travel Industry Act, 2002*. Section 31 -38 of the Regulation applies to Websites. Websites are also a booking tool for consumers and registrants and these guidelines address many aspects of websites.

GENERAL REQUIREMENTS

Section 31 details that all websites must include:

- the registrant's business name, address and registration number
- residential telephone numbers may not be included
- Registrants should consider the benefits of consumers being able to easily identify on a website and all other advertising that they are purchasing travel services from an Ontario registrant. The contact information and TICO registration number should be in a location that is easy for the consumer to find. For example it could be on the footer of each web page or on the Contact us Page

Under Section 32 of the Regulation, it is a violation for registrants to make false, misleading or deceptive representations in advertisements for travel services.

ADVERTISING A PRICE

Section 33 of the Regulation outlines the provisions for representations or advertising of travel services by registrants that refer to a price. The following information must be included:

- The total amount that the consumer will be required to pay including all taxes, fees and service charges **OR** the price of the travel services plus a total of the taxes, fees and service charges or an itemized list of the cost of all taxes, fees and service charges for each price advertised. The result is that the consumer will know the total cost of their purchase. The taxes must be shown prominently in relation to the price and cannot be buried in the fine print. If the representation is on a website, the total price must be

shown on the first page and not on the booking page. If taxes and other charges are not accurately known, the registrant is required to put a range of tax amounts, i.e. taxes from \$150-\$180

- The only exception to including all taxes, fees and service charges is with respect to PST and GST. The representation does not have to include these amounts
- Terms and conditions, if any that may affect or limit the availability of the price of the travel services offered are required to be included such as the date that the price is available. Limitations would include travel dates and categories or class of service
- Brief description of the advertised travel services including the name of the air carrier, hotel and travel wholesaler, where applicable
- Ensure the advertised price is available at the time the advertisement is accessible to the public, previous prices may NOT be advertised
- Price is advertised in Canadian currency unless specified otherwise in advertising
- Statement that further information is available from a travel agency

It is acceptable for the details of the booking to be available via a click through to another page if all of the information with respect to limitations of the bookings such as dates of travel, class etc. are one click away.

Section 34 of the Regulation requires the website to disclose the following:

- Deposit and final payment requirements, refund policy & cancellation terms and charges
- The total price of the travel services as set out in section 33
- The availability of trip cancellation insurance and out of province health insurance
- A fair and accurate description of the travel services including details of transportation including carrier & class of service, departure & arrival points, accommodation details including location
- the date or anticipated date of commencement of any construction or renovation, and the duration if known
- the time period to which the representation applies

E blasts and e newsletters are considered representations and must comply with the requirements of the Regulation.

Online Bookings

Many websites allow consumers to book on line. Registrants with online booking capabilities should heed the following guidelines:

Many websites have travel services with a price on the first page; however it is not always the same price when the consumer reaches the booking page. ***Corrections should be made as soon as possible but no longer than 2 business days so that the booking page price and the other website pages are the same.*** It should take no longer than 2 business days for the booking page price and the other website pages to match. If there is a possibility that the booking page price can be different from the first page, the website should advise the consumer that the price is subject to change to the final booking page.

Disclosure Prior to Booking

Prior to booking, the consumer should be advised of all the conditions that may affect their booking, including:

- Disclose the total price of the travel services, the travel date and a fair description of the travel services
- Disclose whether the services are refundable and any penalties or costs related to cancellation
- Advise about the availability of trip cancellation and out of province medical insurance
- For proposed travel outside of Canada, the typical information and documentation such as passports, affidavits, visas that will be needed for each person travelling
- Advise that entry to another country may be refused even if the required information is provided
- Advise 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
- Advise that the travel agent is required to answer any questions the customer may have arising from the information provided

All of the above information can be provided in the Terms and Conditions and should be disclosed on the Registrant's website. As a best practice registrants, should set up the website so that consumers cannot proceed to complete their booking without acknowledging that they have read the Terms and Conditions. Registrants may also

consider including a warning to consumers that it is their responsibility to read and understand the terms and conditions of the booking.

For documentation requirements, the information for a Canadian citizen travelling to the destination should be provided. It is also acceptable for Registrants to have a link to a website that can provide the documentation requirements specific to that consumer, particularly if they are not Canadian. As a best practice, the registrant should have a warning that should the consumer have any questions regarding documentation they should contact the registrant by phone prior to completing the booking.

Requirements After Booking

After booking, the Registrant is required to provide an invoice to the consumer.

The invoice must contain:

- The name and address of the customer who purchased the travel services and the name if known of each person travelling – Please note that an email address on its own is not sufficient
- The date of the booking and the date of the first payment
- The amount of payment, indicating if it is a full or partial payment and the balance owing if any and the date that it is required to be paid
- The total price
- Any fees, levies, surcharges service charges taxes or other charges and whether those amounts are refundable or not
- The name under which the travel agent carries on business, the address, phone number and registration number of the travel agent and any other method to contact the agent i.e. fax or email
- A fair and accurate description of the travel services including destination, departure date and travel supplier
- Statement whether the consumer has purchased trip cancellation or out of province medical insurance if the agent sells insurance
- Statement whether the consumer was advised about the availability of trip cancellation or out of province medical insurance if the agent does not sell insurance
- The information given to the customer regarding the documentation that is required for each person travelling

- The name of the travel counselor who made the booking and accepted the first payment
- Whether the contract permits price increases
- 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 percent, the customer has the right to cancel the contract and obtain a full refund

As the Registrant may not know the citizenship of each person travelling the invoice should have at a minimum the documentation information required for a Canadian citizen travelling to the destination. As a best practice, the invoice should also have a link to a site that would provide more information regarding documentation as well as a notation for the customer to contact the registrant with any questions.

The address of the customer should be on the invoice and it is not acceptable to have only an email address for the customer. It must be the physical address.

The invoice should note that the booking is an online booking, in order to address the requirement that the invoice name the travel counselor who made the booking.

OUTSIDE SALES REPRESENTATIVES (OSR)

Registrants who have OSR's must ensure that their OSR comply with the Act and Regulation including websites. An OSR's website must disclose the Registrant's name, address and registration number. The OSR's website must be registered with TICO under the Registrant's registration.

WEBSITE REGISTRATION

Registrants are required to register all of their active website URLs with TICO so that consumers can use TICO's website to search for the website/registrant. This includes any websites that the Registrants Outside Sales Representative is using.

Use the TICO logo in your advertising.

Let consumers know that you are an Ontario-registered travel company by displaying the TICO logo in your advertisement. Only consumers who book through TICO registrants are protected by the Ontario Travel Industry Compensation Fund.

APPENDIX C

Guidelines and Application of the Regulation to Advertising

Under the *Travel Industry Act, 2002* and Ontario Regulation 26/05, there are very strict advertising requirements to which Travel Industry Council of Ontario (TICO) registrants must adhere:

To ensure a fair and equitable marketplace for the travel industry and consumers, registrants are required to comply with the requirements outlined in the new Regulation.

Under Section 32, it is a violation for registrants to make false, misleading or deceptive representations in advertisements for travel services.

WHERE DO THE RULES APPLY?

The rules apply to all representations by registrants as set out in Section 31 of the Regulation, including newspaper advertisements, brochures, flyers and registrant websites. All representations must include:

- the registrant's business name, address and registration number unless the representation is on a billboard or bus board or made through any other medium with similar time or space limitation such as television or radio.
- Residential telephone numbers may not be included in written representations (including newspaper ads, websites or business cards) but it may be provided orally to clients.

TICO does not consider a newspaper advertisement a limited medium for the purposes of Section 31.

Registrants should consider the benefits of consumers being able to easily identify on a website and all other advertising that they are purchasing travel services from an Ontario registrant.

Disclosure of the requirements set out in Sections 33 and 34 must be noticeable, discernible and easy to understand. Tiny, illegible "mouse" script hidden in the border or at the very bottom of the advertisement does not meet the test of "clear, comprehensible and prominent".

ADVERTISING A PRICE

Section 33 of the Regulation outlines the provisions for representations or advertising of travel services by registrants that refer to a price, including newspaper advertisements and website advertisements. The following information must be included:

- The total amount that the consumer will be required to pay including all taxes, fees and service charges **OR** the price of the travel services plus a total of the taxes, fees and service charges or an itemized list of the cost of all taxes, fees and service charges for each price advertised. The result is that the consumer will know the total cost of their purchase. The taxes must be shown prominently in relation to the price and cannot be buried in the fine print. If the representation is on a website, the total price must be shown on the first page and not on the booking page. If taxes and other charges are not accurately known, the registrant is required to put a range of tax amounts, i.e. taxes from \$150-\$180
- The only exception to including all taxes, fees and service charges is with respect to PST and GST. The representation does not have to include these amounts
- Terms and conditions, if any, that may affect or limit the availability of the price of the travel services offered are required to be included such as the date that the price is available. This means that if there is a range of dates and prices, the representation must include a "to" and "from" price and the same is required for taxes and service charges.
- Reasonable description of the advertised travel services.
- Ensure the advertised price is available at the time the advertisement is accessible to the public, previous prices may NOT be advertised
- Price is advertised in Canadian currency unless specified otherwise in advertising
- Statement that further information is available from a travel agency
- When the names of air carriers, hotels and travel wholesalers where applicable become available to the registrant, the registrant shall disclose the names to all customers show have entered into an agreement for those services.

NEWSPAPER ADVERTISEMENTS

Newspaper advertisements must include all of the information required in Sections 31, 32 and 33. This includes the Registrants name, Registration number, and full price disclosure if advertising a price.

For the purposes of Section 34, TICO considers that newspaper advertisements to be a medium with time or space limitations; therefore, Section 34 will not apply. The detailed information required in Section 34 will apply to other written representations including websites and brochures.

REGISTRANTS IN NON-COMPLIANCE UNDER THE REGULATION

If a registrant is found to be in contravention of the provisions under the Regulation relating to advertising, the Registrar may enforce section 28 of the *Travel Industry Act, 2002* relating to false advertising. False advertising also reflects on the honesty and integrity of the registrant. The Travel Industry Council of Ontario may lay charges under the *Travel Industry Act, 2002* or other consumer protection statutes. Violations may result in fines and/or proposal to revoke registration. Persistent violation of the Regulation will not be tolerated and will be dealt with accordingly.

WHAT IS NOT PERMITTED

**“Sell-Off Special”
Book Now and Save**

PRICES FROM:

CUBA	\$399	EDMONTON	\$299
MEXICO	\$429	ORLANDO	\$299
ARUBA	\$449	AMSTERDAM	\$499

Call John Doe Travel (905) 555-5555

Taxes are extra

Extras are not specified and cannot be in the fine print

No mention of Wholesaler and Airlines no statement that info from agent is available

No Terms & Conditions

No travel agency address

No Description of travel services

Prices misleading: Does not state what is available for price or if prices could vary, what price includes or if offer is a package, air only, round trip or one-way

No TICO Registration #

WHAT IS PERMITTED

“Sell-Off Special”

Air Only

Book Now and Save

VARADERO	\$589 (JULY 1 & 3)
ORLANDO	\$478 (JULY 8, 10 & 12)
AMSTERDAM	\$658 (JULY 1 ST ONLY)

Call John Doe Travel (905) 555-5555

123 Anywhere Street, Toronto, ON



Ontario Registration #1111111

Air only. Toronto round trip departures. Prices include all taxes, fees and charges except GST. Prices are valid for new bookings only and are for dates shown only. Flights operated by ABC Air. All fares are non-refundable. More information available from your travel agent

WHAT IS PERMITTED

“Sell-Off Special”

Air Only

Book Now and Save

VARADERO	FROM \$399 TO \$549 (JULY THRU SEPTEMBER) +TAX FROM \$190- \$250
ORLANDO	FROM \$299 TO \$449 (JULY -AUGUST) +TAX FROM \$179- \$200
AMSTERDAM	FROM \$499 TO \$649 (JULY THRU OCTOBER) +TAX FROM \$159 - \$175

Call John Doe Travel (905) 555-5555

123 Anywhere Street, Toronto, ON



Ontario Registration #1111111

Air only. Toronto round trip departures. Prices are valid for new bookings only and are for the time period specified. Prices may differ depending on departure date selected. Flights operated by ABC Air. All fares are non-refundable. More information is available from travel agent.

Brochure and Website Advertising

In addition to the requirements of Section 31 – 33 and 35, Section 34 of the Regulation applies to both brochures and to websites and the following information is required:

- Deposit and final payment requirements, refund policy & cancellation terms and charges
- The total price of the travel services as set out in subsection 33(2)
- The availability and cost of trip cancellation insurance and out of province health insurance
- A fair and accurate description of the travel services including details of transportation including carrier & class of service, departure & arrival points, accommodation details including location
- the date or anticipated date of commencement of any construction or renovation, and the duration if known
- the time period to which the representation applies

In the event of a misprint or in the event the brochure contemplates price changes from the date of printing of the brochure, the registrant is required to notify the industry and consumers of the price change promptly.

PHOTOGRAPHS

- Section 35 of the Regulation requires that any photograph that is used in any representation shall be an accurate representation of the site and it shall clearly indicate that it is a photograph. If the picture is not a photograph, then the representation shall clearly explain that it is NOT an actual photograph, but that it still accurately depicts the property or thing being represented.

Use the TICO logo in your advertising.

There is an ever-increasing number of companies from outside of the province that advertise in Ontario. Let consumers know that you are an Ontario-registered travel company by displaying the TICO logo in your advertisement. Only consumers who book through TICO registrants are protected by the Ontario Travel Industry Compensation Fund.

Getting the TICO logo is easy

To download the TICO logo and include it in your advertising, visit our website: www.tico.ca and click on Information for Ontario Registrants and then, Logo download and follow the instructions

A copy of the *Travel Industry Act, 2002* and Regulation 26/05 is available on TICO's website at www.tico.ca or contact TICO's office and one can be mailed out to you.

Write, call or visit us on the web

Travel Industry Council of Ontario
2700 Matheson Boulevard East
Suite 402, West Tower
Mississauga, Ontario L4W 4V9
Phone: (905) 624-6241 Fax: (905) 624-8631
Toll free: 1-888-451-TICO
Email: tico@tico.ca
Website: www.tico.ca

APPENDIX D

Guidelines and Application of the Regulation to Disclosure and Invoicing

Disclosure Prior to Booking

Section 36 of the Regulation 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 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 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 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.