

The 2016 *Consumer Awareness Campaign*

Because you don't know what you don't know, book with a **TICO** registered travel agency or website



Commencing mid-January, this year's four-week Consumer Awareness Campaign featured a strong new message – **For all the travel information you don't know you don't know, book with a registered TICO travel agency or website**

www.youtube.com/watch?v=dDfZM4dGAmo&feature=youtu.be

Time and again, we heard from you that one of the most effective ways to promote TICO registrants would be to show Ontario's travel consumers how easily things can go horribly wrong if they do not use a TICO registrant to purchase their trip. We decided that using commonly seen travel symbols (icons) in an entertaining and memorable way would be one of the most effective ways to highlight how to avoid disappointment when travelling.



The television campaign, which began on January 18th, featured a 30-second spot on major networks throughout Ontario – Citytv, CTV, Global, YES TV, CBC, CHCH and OMNI.2 – totalling more than 13 million impressions that targeted women in the

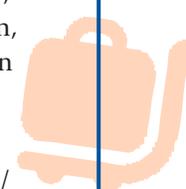


25 – 54 age group. Our high-efficiency approach ensured that the commercial played on such high profile shows as The Marilyn Denis Show, Jeopardy, The Tonight Show with Jimmy Fallon, American Idol, Coronation Street and the Ellen Degeneres Show.

Online, TICO's Pre-Roll campaign targeted adults 18 – 25 years old who were travel/hotel/vacation intenders, through websites such as The Huffington Post, TSN, MTV, CTV and Rotten Tomatoes.

TICO's postings on Facebook and Twitter were also designed to enhance the advertising campaign, and we encouraged registrants to visit and "like" our comments and advice, in order to strengthen the underlying message.

Once the campaign ended, TICO launched a comprehensive omnibus survey across Ontario to measure how successful the campaign has been in raising awareness of TICO and the benefits of



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MESSAGE FROM THE REGISTRAR

As always, it's hard to believe a year has past since I was offered the privilege of serving as TICO's new CEO and Registrar. What a year it's been!

Like the rest of Canada, Ontarians have experienced the economic hardships associated with the tumbling of the Canadian dollar to near-record lows (versus the US greenback), plunging oil prices and the continued eco-social volatility around the world, particularly Europe and the Middle East. Now, once again, the industry is challenged by Zika virus (not unlike viruses of the past) and the industry is responding accordingly. These challenges present one of the most difficult environments for Ontario registrants to grow and thrive, yet many do. Learning from the Great Recession (2008-2009), many registrants continue to demonstrate resiliency through innovation, productivity, engaged workforces, customer service and strong risk management practices. Changing demographics and the growth of the millennial generation continues to add a new dimension, new opportunities and new risks to the travel industry. Despite all the challenges, travel remains both a growing and attractive industry as the world's borders continue to shrink.

Looking more closely at our own market, we continue to see an evolving business model across all attributes of travel. Traditional agency models, while still the foundation to a strong market, are being supplemented by an accelerated growth of on-line agencies (OTAs), home-based agency models, independent/outside sales representatives and hybrids of the above. We continue to experience an increase in fraud both in volume and sophistication, particularly with non-registered sellers of travel. At TICO, we are responding to these threats by advancing our risk monitoring practices and tools, placing more emphasis on pro-active compliance measures and remaining firm on enforcement. Our goal is always to work in a collaborative manner with registrants to ensure a level playing field and respect for Ontario's consumer protection legislation, but sometimes stronger action is required. I encourage all our registrants to review our monthly e-blast regarding Compliance Tips and Enforcement activity and to work with TICO to ensure our marketplace remains fair to both consumers and registrants. We are also pleased with our recently launched consumer awareness campaign where we promote the importance of dealing with Ontario registered travel agencies for those matters "you know you don't know". The honesty, integrity and professionalism of our registrants continues to be the most important cornerstone message that TICO delivers day in and day out. We look forward to the feedback from consumers and you, via the omnibus survey currently underway.

This past week, proposals associated with industry requested regulatory updates, and the Compensation Fund rate, were delivered to our registrants. These regulatory changes are largely the result of input from industry over the years, and we are pleased to seek final input from you. It is also not without careful consideration of the risks/benefits that TICO Board of Directors has approved an increase to the Compensation Fund rate, subject to stakeholder consultation. TICO has deferred any fee increases for as long as possible, given the challenges facing our registrants. However, to remain



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Changes Proposed to the Regulatory Requirements

Early last November, the Ministry of Government and Consumer Services announced that it was seeking input on proposals to amend Ontario Regulation 26/05 made under the *Travel Industry Act (TIA)*. The intention is to reduce regulatory burden and harmonize pricing provisions for all types of travel services.

A plain language description of the proposed changes was posted on the Regulatory Registry to encourage broader public comment until December 14, 2015. TICO urged all registrants to review the proposals and provide feedback.

If approved and implemented, the proposed regulatory amendments will:



1. Require that all registrants display the total price to consumers, when advertising travel services.

Currently prices can be set as either a) the total price for the travel services including all fees, levies and other charges (i.e. all-in pricing), or b) the price for the travel services excluding fees, levies and other charges along with either a separate itemized list of the cost of each, or the total cost of the fees, levies and charges.

The Ministry proposed that prices for travel services be set out as the total price (all-in pricing), including all fees, levies and other charges. Retail sales tax and/or federal goods and services tax will continue to be shown separately.



2. Exempt businesses and individuals that offer one-day tours from the requirements under the TIA.

Currently, businesses and individuals offering one-day tours that include transportation and meals provided by another business must register as a travel agent or wholesaler. For example, winery tour operators that contract with a bus company to transport consumers to multiple wineries are required to register under the TIA.

The Ministry is proposing to exempt these types of businesses and asked for input on the scope and definition of the exemption.



3. Modify specific registration and operating requirements to allow for flexibility for lower risk businesses.

Currently, applicants that have not been registered during the previous 12 months must provide a security deposit of \$10,000 to TICO. Provided the Registrar has no compliance issues, the security deposit is returned after two consecutive annual financial statements have been filed. Registrants must also maintain minimum working capital based on their sales in the previous fiscal year (e.g. registrants reporting sales of \$500,000 or less are required to have at least \$5,000 in working capital).

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The 2016 Consumer Awareness Campaign continued from page 1

booking with an Ontario registrant. We will report on the results in the next issue of TICO Talk. In addition, we have surveyed TICO registrants to assess your response to the new direction of the Consumer Awareness Campaign.



LOGO ALERT!

One of the best ways to drive home the importance of dealing with a TICO registrant is to advise consumers to look out for the TICO logo. It is what they are asked to do in every Consumer Awareness Campaign. Therefore, you can imagine our dismay every time we spot a registrant using the OLD TICO logo, which was changed eight years ago, in 2008!

It should go without saying that displaying the current TICO logo will assist consumers in identifying your business with TICO. To those of you still using the old, out-of-date TICO logo, please replace it with the correct logo on all of your print and promotional materials! All you have to do is access the correct logo here: <http://www.tico.ca/industry-info/tico-logo.html> ▲



Ontario's Travel Regulator



Look for the logo



Upcoming Election

There will be one elected Wholesale position available on the Board of Directors, commencing at the Annual General Meeting to be held on June 21, 2016.

- The elected wholesale position is to replace Scott Stewart, whose term will be completed on June 21, 2016.
- The term of office for this position will be three years, ending at the Annual General Meeting to be held in 2019.

Anyone wishing to run for election must be nominated by two registrants, and the completed Nomination Form must be submitted with candidates' biographical information and Criminal Record Check. **Deadline for nominations to be received at TICO is no later than 5.00pm Eastern Time on April 22, 2016.**

NEW BOARD CHAIR

Jean Hébert was elected as TICO Board Chair for a three-year term, at the November 24, 2015 meeting of the Board of Directors. Jean has more than 22 years of experience with the provincial and federal public administration in senior level positions. He is one of five ministerial appointees on the Board and has served on the TICO Board since May 2011. He assumed the Chair position on December 13, 2015.



TICO would like to thank outgoing Chair **Michael Janigan**, Special Counsel, Consumer & Regulatory Affairs for the Public Interest Advocacy Centre in Ottawa, who served as TICO's Board Chair from November 1, 2010 to December 12, 2015, for his hard work on behalf of Ontario's travel industry.

News Flash!

TICO has changed both the venue and the time of this year's Annual General Meeting, to be held on June 21, 2016. It will take place at the Mississauga Living Arts Centre (see address below) in the Bank of Montreal Room, commencing at 1 pm with light refreshments. The AGM will begin at 1:30pm. Attending the AGM will help you to better understand the issues and opportunities facing Ontario's travel industry. We sincerely hope that the location and time will allow more TICO registrants to join us on this important occasion. ▲



Travel Industry Council of Ontario

FIRST NOTICE ANNUAL GENERAL MEETING

TAKE NOTICE THAT the Annual General Meeting of the members of the Travel Industry Council of Ontario ("TICO") will be held at 1:30 p.m. on Tuesday, June 21, 2016 at the Mississauga Living Arts Centre, 4141 Living Arts Drive, Mississauga, Ontario, for the purpose of:

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

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

Written notice must be received by the Secretary on or before May 6, 2016, of any motions to be made at the Annual Meeting.

Members who will not be attending the meeting are invited to submit written requests for proxies. Copies of the audited financial statements as at and for the fiscal period ended March 31, 2016 will be available at the Annual General Meeting and may be requested in writing prior to the meeting.

DATED at Mississauga this 14th day of March, 2016.

On behalf of the Board of Directors

Tracey McKiernan
Secretary

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Some not-for-profit organizations operating on zero-based budgets have raised concerns on the above requirements. Consequently, the Ministry is proposing to provide flexibility in the Regulation so that the Registrar can accept alternative forms of financial guarantees for these requirements, at his or her discretion.



4. Claim Deadline

In addition, the Ministry proposes to make a technical amendment that will align the timing for claim submissions, so that the deadlines for submitting standard claims and trip completion claims are both six months.

A draft of the Regulations has been posted on the Ontario Government's Regulatory Registry for broader public comment until April 18, 2016. Visit www.ontariocanada.com/registry/view.do?postingId=21282&language=en. ▲

Court Matters



CHARGES

Carolyn (Michelle) Solomon and 1924067 Ontario Inc. o/a Blue Mountain Travel were each charged with two counts of operating as a travel agent without registration, contrary to **Section 4(1) (a)** of the *Travel Industry Act, 2002*. Carolyn Solomon was a sole director and officer of 1924067 Ontario Inc., which has never been registered as a travel agent under the *Act*. Carolyn Solomon and 1924067 Ontario Inc. operated in Toronto and elsewhere in Ontario. Carolyn Solomon has been previously charged with eight counts of operating as a travel agent without registration. 1924067 Ontario Inc. has been previously charged with two counts of operating as a travel agent without registration.

Placido Calore and 407488 Ontario Ltd. o/a Business & Vacation Travel Planners and Blue Mountain Travel were each charged with four counts of failing to deposit customer payments received for travel services into the trust account of the registrant, contrary to **Section 27(3)** of Ontario Regulation 26/05 made under the *Travel Industry Act, 2002*. Placido Calore was a director and shareholder of Blue Mountain Travel, which voluntarily terminated its registration effective July 31, 2015. Blue Mountain Travel operated in Toronto and elsewhere in Ontario. Placido Calore and Blue Mountain Travel were previously charged with 23 counts of failing to deposit funds into the trust account, contrary to **Section 27(3)** of the Regulation.

Mahendran Sivakolunthu was charged with one count of operating as a travel agent without registration, contrary to **Section 4(1)(a)** of the *Travel Industry Act, 2002*. Mr. Sivakolunthu operated in Toronto and elsewhere in Ontario.

501159 Ontario Limited o/a Executive Worldwide Travel and Zakaria Sheikh were each charged with the following offences:
501159 Ontario Limited – with two counts of failing to hold customer funds in trust, contrary to **Section 27(6)** of Ontario

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Note Your Obligations When...

Extending Credit

Under **Section 43** of Ontario Regulation 26/05, there are certain circumstances when travel wholesalers are required to provide travel services, despite any failure on the part of the travel agent to pay the travel wholesaler for those travel services. They are:

- a) If the customer has paid the travel agent for the travel services, and
- b) The travel wholesaler has provided tickets or other documents relating to the travel services to a travel agent for distribution to the customer.

By releasing tickets or other travel documents prior to receiving payment from a travel retailer, the wholesaler has extended credit and is required to provide the travel services to the traveller.

Ceasing to Trade with a Registrant

Under **Section 21** of the Regulation, if a registrant ceases doing business with an Ontario registered travel retailer or travel wholesaler due to issues relating to non-payment, NSF cheques, credit card chargebacks or any issues relating to financial responsibility, you are required to notify TICO promptly in writing, including the reasons for ceasing to trade.

More Accounting Seminars Planned

Thanks to the success of the free, hands-on seminars on accounting practices that TICO has held for registrants in the past, there continues to be high demand for further seminars. The main focus will continue to be trust reconciliations, working capital and financial disclosures. In addition, detailed explanations will be provided on the financial requirements under Ontario's travel legislation. Registrants will be notified as soon as the schedule has been finalized. Stay tuned!

Message From the Registrar continued from page 2

effective and ensure TICO's consumer protection mandate is fulfilled, this increase is an important factor in delivering on this commitment. For information on the consultation documents and process, please visit TICO's website.

As a final thought, I am blessed to be surrounded by a team of wonderful and passionate individuals committed to TICO's long-term vision. We have much to do here at TICO to ensure that Ontario is a great environment for our registrants to thrive in, and that consumers continue to be confident in their travel purchases. This will, no doubt, require new investments, continued innovation and advancements to our regulatory framework model. I am confident that the seeds are firmly in place and that the future is bright for all our stakeholders.



Richard Smart
President and CEO

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Regulation 26/05 made under the *Travel Industry Act, 2002*; and Zakaria Sheikh – with two counts of failing to take reasonable care to prevent 501159 Ontario Limited from committing the offence under **Section 27(6)** of the Regulation, contrary to **Section 31(2)** of the Act).

Zakaria Sheikh was Manager and President of 501159 Ontario Limited, a registered travel agent under the Act. 501159 Ontario Limited voluntarily terminated its registration under the Act effective July 13, 2015. Zakaria Sheikh and 501159 Ontario Limited operated in Ottawa and elsewhere in Ontario.

John Douglas Mills, Sole Proprietor operating as Algonquin Travel, was charged with one count of failing to deposit customer funds into the trust account, contrary to **Section 27(3)** of Ontario Regulation 26/05 made under the *Travel Industry Act, 2002*. Mr. Mills was a registrant under the Act and terminated his registration on June 4, 2015. Mr. Mills operated in Oshawa and elsewhere in Ontario.

CONVICTIONS

Following a guilty plea, **Judy Jackson** was convicted of five counts of operating as a travel agent without registration, contrary to **Section 4(1) (a)** of the *Travel Industry Act, 2002*. Ms. Jackson was sentenced as follows: **Count No. 1:** Fine in the amount of \$5,000 plus Victim Surcharge Fee, for a total of \$6,250., payable over a period of 24 months; **Count No. 2:** Probation Order for two years with the following conditions, in addition to the statutory conditions outlined in **Section 72** of the POA: (a) The Defendant is not to be employed in the travel industry in any capacity, where she handles customer funds, credit cards or other modes of customer payment. (b) Prior to accepting a job in the travel industry, the Defendant is to inform the prospective employer of her conviction under the TIA; **Count No. 3:** Free Standing Restitution Order, payable to the travel agent that employed Ms. Jackson as an OSR, in the amount of \$5,847.50; **Counts No. 4 & 5:** Suspended Sentence. As part of the **Pre-sentence Settlement Resolution**, Ms. Jackson reimbursed consumers a total of \$2,080.

Following an extensive ex-parte trial, **Kyle Gaspari** o/a **Executive Sports Company** was convicted of two counts of operating as a travel agent without registration, contrary to **Section 4(1)(a)** of the *Travel Industry Act, 2002*. Mr. Gaspari was sentenced to six months of incarceration on **Count No. 1** and three months of incarceration on **Count No. 2**, served concurrently. In addition, a Restitution Order in favour of the victims was issued, for a total of \$186,259.34. Further, a warrant for Mr. Gaspari's arrest was issued. Mr. Gaspari operated in Burlington and elsewhere in Ontario.

REVOCATIONS

Between September 15, 2015 and February 15, 2016, one company had its registration revoked: **Steve Bauer Bike Tours Inc.**, St. Catharines.

For further information on Charges and Convictions, click here:

<http://www.tico.ca/enforcement-compliance/charges-convictions.html> ▲

PROPOSED COMPENSATION FUND RATE INCREASE

Consultation Paper, March 21, 2016

Summary

At TICO's 2015 Annual General Meeting and as reflected in the 2015 Annual Report, TICO is proposing to increase the industry financed Compensation Fund rate.

The Board of Directors of TICO has approved an increase to the Compensation Fund rate subject to industry consultation. The proposed rate will increase from \$0.15 to \$0.25 per thousand of registrant's Ontario travel sales, effective July 1, 2016. Without a rate increase, TICO is projecting an operating deficit and the potential for the Compensation Fund to fall below the targeted balance of \$20 million.

Further, a number of strategic initiatives in support of TICO's Mission/Vision will be delayed or otherwise adversely impacted.

Background

TICO has managed the Compensation Fund since receiving delegation from the Ontario government in 1997. At that time, the Compensation Fund had a balance of \$4.5 million

And the Compensation Fund rates were \$1.60 per thousand of wholesale sales and \$0.40 per thousand of retail sales. Since that date, TICO has changed the Compensation Fund rate three times as detailed below.

Year	Compensation Fund Balance (\$M)	Wholesale Rate (per \$000 Sales)	Retail Rate (per \$000 Sales)
May 1, 2000	\$20	\$0.50	\$0.25 ↓
April 1, 2006	\$30	\$0.05	\$0.05 ↓
May 1, 2013	\$24	\$0.15	\$0.15 ↑

Since inception, TICO has reduced the Compensation Fund rate twice with a single increase in 2013. At \$0.25 per thousand of Ontario travel sales, the Compensation Fund rate will return to a level last charged to retailers in the year 2000. It is also worth noting that the proposed rate level of \$0.25 is lower than the TICO Board approved rate of \$0.30

originally announced in 2012 which was proposed as a phased-in increase over three years. Recognizing both economic and industry challenges over the past two years, TICO has avoided a rate increase as long as possible. Through prudent cost management including lower claims against the Fund, TICO has kept this proposed increase to a minimum while maintaining the Fund at targeted levels. For comparison purposes, Canada's Consumer Price Index has increased by 40% for the period of 1997-2015.

Business Case

With oversight provided by the Board of Directors, TICO is committed to its mandate and to strong fiduciary management. Prior to 2014, TICO experienced several years of net operating deficits. Following the previous rate increase in 2013, TICO's financial performance is summarized below:

Year-ending March 31	Total Revenue (000's)	Net Surplus/(Deficit) before Claims (000's)	Net Surplus/(Deficit) after Claims (000's)	Compensation Fund Balance (000's)
2013	\$2,853	(\$514)	(\$211)	\$24,038
2014	\$3,191	(\$961)	(\$3,189)	\$20,649
2015	\$4,743	\$504	\$442	\$20,850

While fiscal year 2016 is not complete, management is projecting lower revenues and a small net surplus before claims, a reflection of a consistently smaller registrant base, lower sales volume and a continued

focus on prudent cost management.

Management remains focused on efficiencies and is committed to continued cost reduction initiatives.

The Compensation Fund balance remains at a level supported by the Board and consistent with a target of approximately \$20 million.

As reported in TICO's three year 2015 Business Plan, the Board of Directors and management are committed to an overall Mission/Vision to "promote a fair and informed marketplace where consumers can be confident in their travel purchases". Four

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overarching strategic priorities have been established and management tracks various objectives using a balanced scorecard.

Current projections however continue to indicate a declining registrant base of 2-3% per annum. Registration/renewal fees have remained flat since the last change in 2011 (five years ago) and are not projected to change with this review. In addition, investment income has reduced significantly over the years consistent with a low-rate interest environment and TICO's risk-averse investment philosophy. Forward revenue projections, without a fee review, are expected to decline over the business plan horizon.

As described in the Business Plan, the current operating environment and industry models are both challenging and constantly evolving. These factors, combined with an increased incidence in fraud, require new investments directed at consumer awareness and education, risk-based methodologies and associated technology to ensure consumers are provided the necessary legislated protections and that the Fund continues to be funded at a level commensurate with these increasing risks. These investments will also affect registrants through a more efficient and effective regulator.

It is estimated that this rate increase will generate an incremental \$1.5 million once fully deployed across all TICO registrants over the following 12 months.

Effect on Consumers

It is difficult to determine the effect on consumers, as registrants pay the Compensation Fund rate directly to TICO. Each registrant will determine the flow-through impact on its pricing of services to consumers. On an average package price of \$2,000, the impact to consumers could range from NIL to an increase of \$0.20 cents.

Effect on Registrants

TICO registrants range in size and complexity. The impact of this fee review will result in an increase rate to registrants as follows:

Ontario Travel Sales	Current Rate (\$0.15 per \$000)	Proposed Rate (\$0.25 per \$000)
Under \$2M	Under \$300	Under \$500
\$2-5 M	\$300 - \$750	\$500 - \$1,250
\$5-10M	\$750 - \$1,500	\$1,250 - \$2,500
\$10-50M	\$1,500 - \$7,500	\$2,500 - \$12,500
> \$50M	> \$7,500	> \$12,500

More than half of TICO's registrants have Ontario sales less than \$2 million per annum. The impact of this rate proposal is an increase of up to \$200 per annum. The minimum \$25 rate threshold remains in place for sales of up to \$100,000 per annum. For the very large registrant (Sales > \$50 million), the impact of this rate increase is a minimum of \$5,000 but will be higher based on larger sales volume.

Conclusion

This proposed rate increase follows a Board of Directors' decision in 2012 to increase the Compensation Fund rate to \$0.30 over three years. Through prudent cost management, lower consumer claims and a focused strategic plan over the next three years, management is now recommending an increase in the Compensation Fund rate to \$0.25 per thousand of Ontario travel sales.

With a July 1, implementation, it will take a full year for this revised rate to become fully effective across all registrants (Compensation Fund submissions to TICO are self-assessed twice a year, based on the prior six-month sales period).

To make a Submission

To make a submission on TICO's proposed Compensation Fund rate increase, please forward your comments by April 15, 2016 to: ticoconsultation@tico.ca; fax (905) 624-8631; or mail Travel Industry Council of Ontario, Proposed Compensation Fund Rate Increase, 2700 Matheson Boulevard East, Suite 402, West Tower, Mississauga, ON L4W 4V9.

To see Frequently Asked Questions and Answers on the Proposed Compensation Fund Rate Increase, please visit <http://www.tico.ca/files/Fee%20Review%20-%20FAQs%281%29.pdf> ▲

Helping Out at the Mississauga Food Bank

TICO takes Corporate Social Responsibility (CSR) very seriously. Its hard-working CSR Committee has been very focused on building partnerships and sustainable relationships within the community. It is bad enough that 15 percent of Mississauga residents and 20 percent of Mississauga children live in poverty. Compounding the complexities of poverty and hunger, the primary reason people turn to the food bank is employment-related. Even when they have a job, many do not earn enough to pay for basic living expenses, especially as food costs continue to escalate. Consequently, reaching out to the Mississauga Food Bank was a cause that every TICO employee took to heart.



Thanks to everyone who donated both time and money to TICO's 2015 Thanksgiving and Christmas Food Drive, we collected 425 lb of food for the Mississauga Food Bank. In addition, a TICO team volunteered for a 2-hour shift and helped sort food for 3,349 meals – a great effort for an excellent cause. ▲



Closing Doors

Esna Travel and Tours, located in Markham, Ontario, voluntarily terminated its *Travel Industry Act, 2002* registration to do business as a travel retailer and travel wholesaler, effective January 18, 2016.

Skypride Travel & Tours Ltd., located in Markham, Ontario, voluntarily terminated its *Travel Industry Act, 2002* registration as a travel retailer, effective November 30, 2015.

Registrants who have any questions about these closures may contact TICO directly at 1-888-451-8426 or (905) 624-6241, or email: tico@tico.ca. ▲

Upcoming Issues

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

- Notice of the Annual General Meeting
- Update on Regulatory Changes
- Omnibus Survey Results
- Information on the Election
- Trade Shows and Upcoming Events

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