

## THE ONTARIO TRAVEL INDUSTRY COMPENSATION FUND

The Ontario Travel Industry Compensation Fund compensates consumers who paid for, but did not receive travel services because of the bankruptcy or insolvency of a registered Ontario travel agency or travel wholesaler. You may also be eligible for reimbursement from the Compensation Fund if you booked and paid for airline or cruise line travel services from an Ontario-registered travel retailer and have not received the travel services due to the bankruptcy or insolvency of the airline or cruise line. In the event that your Ontario registered travel agency or travel wholesaler goes out of business or you do not receive your travel services due to the failure of an airline or cruise line, you may be eligible for reimbursement up to \$5,000 per person, subject to the provisions of Ontario Regulation 26/05 pursuant to the *Travel Industry Act, 2002*.

### How Is The Fund Financed?

The Fund is totally financed by registered travel agencies and travel wholesalers in Ontario. All travel agencies and travel wholesalers that are located in the province of Ontario are required to register with the Travel Industry Council of Ontario (TICO) and contribute to the Compensation Fund.

### How Do I Know If The Company I Am About To Deal With Is Registered?

All travel agencies in Ontario are required to be registered with TICO. You may ask to see the travel agency's TICO Certificate of Registration or you may contact TICO or visit TICO's website to search for the travel company to ensure that the company from which you are about to purchase travel services is registered. Also, if paying by cheque, be sure to make your cheque payable to the registered company name.

### What Happens If I Deal With An Unregistered Travel Agency?

Should you transact business with an unregistered travel agency, you will forfeit the protection of the Compensation Fund. Again, if in doubt, call TICO

or visit TICO's website to access TICO's search feature to find a registered Ontario travel agency.

### What Is Covered By The Compensation Fund?\*

The Fund reimburses consumers who made payment to a registered Ontario travel agency for travel services, which were not provided due to the bankruptcy or insolvency of either a registered Ontario travel retailer or a registered Ontario travel wholesaler. The Compensation Fund also reimburses consumers who have purchased their travel services from a registered Ontario travel agency and have not received their travel services due to the failure of an airline or cruise line. *The Travel Industry Act, 2002* defines "travel service" to mean "transportation, sleeping accommodation or other services for the use of a traveller, tourist or sightseer."

### What Is Not Covered By The Compensation Fund?

To be eligible, a claim on the Fund must be related to the non-provision of travel services and not to the cost, value or quality of the travel services provided.

Items not eligible for compensation from the Fund include : insurance; the cost of alternate (replacement) travel; discount certificates; vouchers; prizes; or any goodwill gestures used in lieu of a payment by cash, cheque or credit card.

Your travel services may be subject to terms and conditions. If you cancel your travel services after any payment, the non-refundable payments are not eligible for compensation from the Fund.

### How Do I Know What The Terms And Conditions Are For The Travel Services I Purchased?

Your travel agent is required to provide you with full details of the terms and conditions of the travel services at the time of purchase. Additionally, every travel wholesaler's brochure will contain the terms and conditions specific to that company.



\* Claim eligibility is subject to the provisions of the *Travel Industry Act, 2002* and Ontario Regulation 26/05.

### Is There A Maximum Amount Payable To Claimants?

Payments out of the Fund are limited to a maximum of \$5,000 per passenger and to a total of \$7 million per event.

### What Documentation And Information Should A Travel Agent Provide?

Once you have made a payment to your travel agent for travel services, the agent is required to promptly provide you with a receipt. The receipt should set out:

- your name and address and the name and address of each person on whose behalf payment is made;
- the date of the booking and the date of the first payment;
- the amount of the payment and the balance owing, if any;
- any fees, service charges, surcharges, taxes or other charges and whether those amounts are refundable or non-refundable;
- the total price of the travel services;
- the business name, address, contact information and the registration number of the travel agency;
- the name of the travel counsellor who made the booking and accepted the first payment
- a fair and accurate description of the travel services purchased including the name of the company supplying the travel services; the destination and the date of departure;
- whether or not the consumer wishes to purchase trip cancellation insurance or out-of-province health insurance;
- information regarding what travel documents will be needed for each person for whom the travel services are being purchased;
- whether the contract permits price increases and if so, a statement that no price increases are permitted after the customer has paid in full;

- a statement advising that the customer has the right to cancel the contract and obtain a full refund if the total price of the travel services is increased by more than 7%, except if the increase results from retail sales tax or federal goods and services tax.

## Was Insurance Offered To You?

Under the Regulation, all travel agents are required to offer its customers trip cancellation insurance and if applicable, out-of-province health insurance. Your receipt from the travel agent must specify whether this insurance was accepted or declined.

## What Should I Do?

- Be sure that your travel agency is registered with TICO. Only purchase travel services through a company holding a retail travel registration.
- Obtain a receipt and keep receipts and/or invoices for all money transactions. These documents must outline details of the travel services that you have purchased.
- Retain all original documents including receipts, invoices, returned cheques, credit card slips, credit card statements, in case you need to file a claim.
- Rely on your travel agent. Should problems occur contact your travel agent immediately to assist you.

## How Do I Make A Claim?

To apply for compensation through the Ontario Travel Industry Compensation Fund, contact TICO to request a claim form.

## What Happens Next?

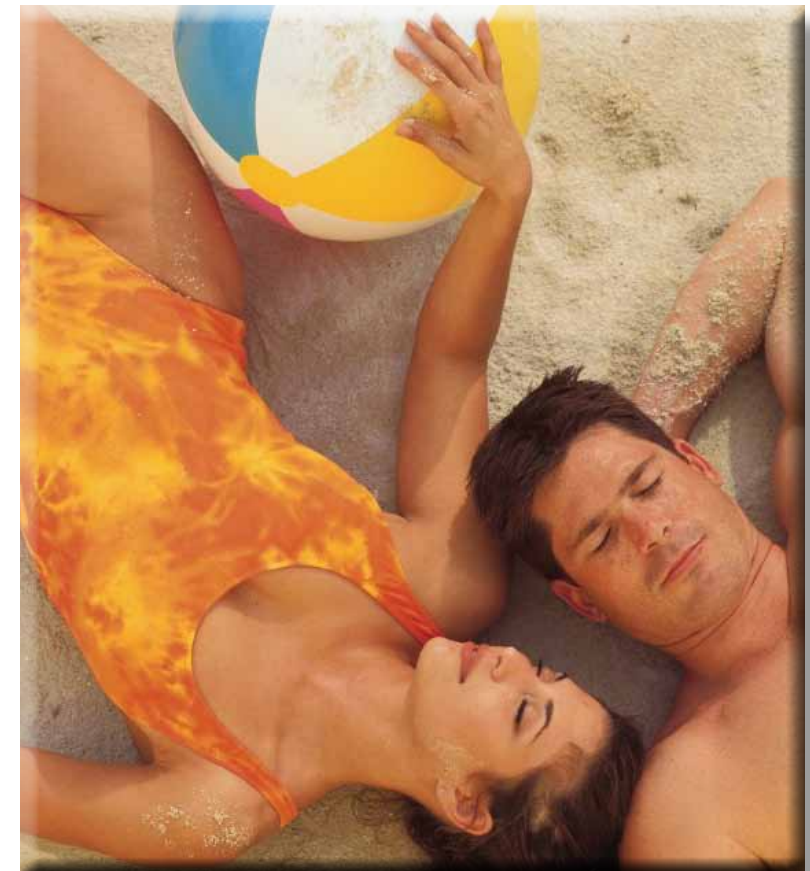
Once a claim is received, it is reviewed to ensure that it contains all the required documentation. Then, the claim will be presented to the Board of Directors for its consideration. The Board of Directors must ensure that each claim is eligible under the *Travel Industry Act, 2002* and Ontario Regulation 26/05.

## Can You Appeal A Decision Of The Board?

If the Board of Directors determines that a claim or any part thereof is not eligible for reimbursement, the claimant can appeal the Board's decision and request a hearing before the Licence Appeal Tribunal.



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**Booking your travel with a TICO registered travel agency means you've got Ontario's travel industry watchdog by your side.**



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