

TICO TOWN HALL MEETINGS ACROSS ONTARIO:

Registrants' Participation And Feedback Is Crucial

Starting mid-April, TICO will be holding Town Hall Meetings in London, Sudbury, Ottawa and Toronto, with the possibility of organizing meetings at other locations should there be sufficient demand (*please see page 8 for the current schedule*). This is YOUR opportunity to fully engage in this key consultation process on issues that significantly impact Ontario's travel industry. There are three main areas of concern that TICO plans to address at each of the Town Hall Meetings:



opportunity for registrants to participate in the future direction of Ontario's travel industry and its Delegated Administrative Authority.

Alternative Financing of the Compensation Fund

TICO believes that enhancing the consumer protection offered by the Compensation Fund has to be considered, and wants to look at how improvements to protection could be financed. Gaps in the current scheme and alternate methods of financing the Compensation all have to

be discussed. What do your customers need? How should increased protection be paid for? Is having consumers pay a viable option?

Registering Individuals

TICO would like your input on the idea of registering individual travel counsellors and outside sales representatives. With the numbers of travel counsellors who work on contract – or from home – increasing, individual registration would enable TICO to monitor who is working

Industry Representation and Board Composition

As reported in the last issue of TICO Talk, TICO commenced a review of industry representation on the Board of Directors through an informal poll that stakeholders were asked to complete by January 15, 2010. The questions were designed to help TICO get an idea of the industry's sentiment on this issue. TICO plans to continue the dialogue with the industry, by discussing options for Board composition. The Town Hall Meetings offer an excellent

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Michael Pepper
President and Chief Executive Officer
Travel Industry Council of Ontario

LETTER FROM THE CEO



During late April and early May, TICO will be conducting Town Hall meetings across the province to get registrant feedback on some important issues:

- the composition of TICO's Board of Directors, specifically allocation of industry appointed and elected seats
- alternate methods of financing the Compensation Fund, including the feasibility of a consumer pay model to supplement the existing registrant pay scheme
- the feasibility of registering individual travel counsellors and outside sales representatives (OSR)

The purpose of the meetings is to gather information and seek input from industry and consumer stakeholders on these issues. Please note that TICO does not have the authority to simply make changes to either the Board composition or to the *Travel Industry Act, 2002* and Ontario Regulation 26/05. If the TICO Board decides to make recommendations for change following the meetings, those proposals would have to be presented to the government for consideration. The government has not committed to making any changes at this time.

TICO is very aware that there have been changes to the business model of how travel is sold and that the industry is continuing to evolve. The financial risk in the travel industry has shifted, with major consolidation in the wholesale sector. Changes in how credit card providers and processors protect their risk have increased the exposure to merchant credit card users and to the Compensation Fund. TICO will discuss these changes, as well as the potential risks to consumer protection, and explore possible solutions to address these challenges. The concept of a consumer pay model will be explored as one possible way to address the risks that exist due to consolidation and to increase the protection available for consumers.

The idea of registering individual counsellors is being raised for discussion as a result of the shift in the business model to having more OSRs who work under contract and/or from home. While the rules that apply may be the same, the controls and protection for consumers is more fragmented. One possible solution is to register individuals so that TICO is better able to keep track of who is working for what agency. This would protect not only the consumer but registered agencies and those OSRs who are legitimately working in this province.

We encourage all registrants to come out and share their ideas. I hope to see you at one of the meetings!

A handwritten signature in blue ink, appearing to read 'Michael Pepper'. The signature is stylized and fluid.

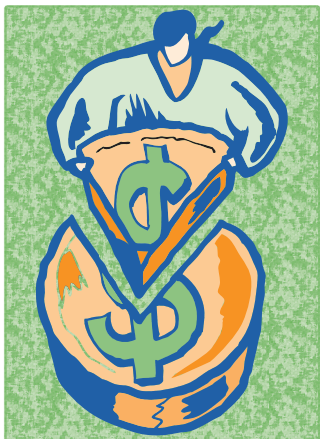
Michael Pepper
CEO

Conquest vacations: an update

Payment of \$64,312.73 was approved at the March 23, 2010 Board of Directors' meeting. The payment assisted 79 consumers who had not received the travel services for which they had paid.

A further payment of \$32,719.93 was approved by the Statutory Director, under the trip completion (repatriation) provisions of Ontario Regulation 26/05, to assist 56 consumers who incurred additional expenses in destination for transportation, accommodation and meals in order to complete their travel plans as a result of the closure of Conquest Vacations on April 15, 2009.

To date, a total of \$1,873,972.80 has been paid to consumers for all approved claims and trip completion in relation to Conquest's failure. There are still some pending claims that are under consideration for reimbursement by the Compensation Fund.



Registration and Renewal Requirements: Some New, Some Old – Always Important to Remember

Following the release last summer of the Ontario government's report *Assessment of Consumer Protection against Financial Instability in the Travel Industry*, one of its recommendations for a new term and condition of registration became effective August 1, 2009. Since then, all new applicants for registration as a travel wholesaler or travel retailer are required to comply with a specific term and condition of registration to provide a minimum of 10 days notice to the Registrar of their intention to cease operations and terminate registration with TICO. Since September 1, 2009, all existing registrants have been asked to consent to this new term and condition upon renewal of their registration.

The intent is to further protect travellers in the event that a tour operator or travel agency goes out of business, and came about due to the impact that the sudden closure of Conquest Vacations had on hundreds of consumers. With this new requirement in place, TICO hopes that it will alleviate these consequences considerably, in addition to protecting the Compensation Fund.

More new requirements

Some form of government ID (such as a driver's license, passport or citizenship card) that includes a photo, date of birth and signature must now be provided by new registrants.

New registrants must sign a consent form permitting TICO to conduct a background credit check.

Whenever there is a change of officer, director or manager, a registrant must provide TICO with the government ID as described above, along with a signed consent form.

At renewal, all registrants have to provide a list of the counsellors and outside agents who sell travel services on the registrant's behalf, along with their certificate number,



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TICO TALK feedback

If you have questions, comments or concerns on anything that you read in **TICO TALK**, or on any other matter that impacts the travel industry, please contact us. Your opinions are important to us. We can be reached very easily at **(905) 624-6241**, or at **1-888-451-TICO**, or by e-mail to tico@tico.ca.

Consumer Awareness Campaign

TICO would like to remind registrants that there is still print collateral available in support of our current advertising campaign.

We will gladly forward whatever is required to any registrant who would like more supplies.



Find out how TICO protects your travel.



You're good to go.
By booking your trip with a TICO-registered travel agency, you're automatically protecting your travel investment.

TICO is Consumer Protection for your travel investment.
TICO is the only organization in Ontario that provides a free, no-charge, no-obligation service to help you resolve any travel-related issues.

Refunds
TICO helps you get your money back if you're not satisfied with your travel agency's service.

Complaints
TICO helps you get your money back if you're not satisfied with your travel agency's service.

Regulation
TICO regulates the Ontario travel industry.

Monitoring
TICO monitors and monitors all travel agencies in Ontario.

Travel Industry Council of Ontario

tico.ca

You're good to go.



Jana Arthur
Client Services Representative
TICO

What was your professional background before joining TICO?

It was quite varied. After graduating from Humber College in Toronto as a certified legal assistant, I worked for nine years in civil litigation. Then I was ready for a change, and an opportunity came up to work as an administrative assistant in the Complaints Department of the Royal College of Dental Surgeons of Ontario. After two years, I switched gears completely, acquired a license as a private investigator and worked for five years with a private investigation company, which was very detail-oriented and included checking surveillance tapes as back-up to the outside investigators. We worked mostly for insurance companies.

When did you join TICO?

The company I was working for closed down, and I spotted an ad in the local paper for a position as a Client Services Representative in TICO's Complaints Department. So I applied and was accepted, in November 2005. I helped with compliance files involving advertising and invoicing. A year ago I was transferred to the Financial Inspections Department.

What does your position entail?

I work mostly on requesting and obtaining registrants' interim and annual financial statements. It involves lots of correspondence and phone calls, and I meet weekly with the Director of Operations and the Registrar, to go through the files of registrants who are not complying with the *Travel Industry Act, 2002*. Based on that meeting, I follow up with the registrants, to ensure that they comply with the *Act* and Regulation.

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Closing doors

Sunrise International Travels Inc., (Sunrise) located at 1290 Finch Avenue West, Unit 15B, Toronto, voluntarily terminated its *Travel Industry Act, 2002* registration as a travel retailer (travel agency) and as a travel wholesaler (tour operator) in Ontario on December 18, 2009.

All flights departing from Toronto commencing on December 28th were cancelled. Immediately following the failure, TICO worked hard to ensure that consumers already in destination would receive travel services as close as possible to the date and time originally scheduled. Whether they had purchased their travel services directly from Sunrise or from another Ontario retail travel agency, consumers were advised to contact TICO at least two days prior to their scheduled return date to ascertain their return flight arrangements. In addition, TICO's website, www.tico.ca, was updated regularly with new flight information.

As of February 18, 2010, 678 consumers had been assisted. A payment of \$205,249.48 was approved by the Statutory Director to assist 279 consumers with scheduled departures to Guyana and Grenada at the time of the failure. A further \$560,394.78 for trip completion was approved to assist another 399 consumers already in destination.

"This incident underscores the importance for consumers to book their travel through an Ontario-registered travel agency," said TICO president Michael Pepper. "TICO was there to immediately assist all

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Jana Arthur continued from page 4

What is your biggest challenge?

Educating registrants on what is required. Sometimes there are linguistic barriers; sometimes it's simply a lack of knowledge. We try to help them understand, so that next year it's no longer a problem for them. And now, the Education Standards exam is ensuring that registrants are more aware.

What do you like best about your job?

I can honestly say that I adore the people I work with! I've worked in a lot of places, but here at TICO it's one of the most diverse groups I've worked with – yet we truly work as an effective team. I enjoy coming to work each day.

I also participate at the trade shows and I really enjoy meeting the public. It's good to raise awareness about TICO, especially in the current economy, and it's very satisfying to be able to educate consumers on the Compensation Fund, and share examples of situations in which TICO has been able to assist travellers in the past. ▲

Registration And Renewal Requirements: continued from page 3

in order that TICO can confirm with CITC that each person has passed the Education Standards exam.

TICO is no longer carrying out criminal checks. It is now the responsibility of new registrants to provide the criminal check for all owners, officers, directors, shareholders and the designated manager named in the application. When it is time to renew, all registrants must provide a criminal check for any new officer, director, shareholder or manager.

Registrants will now be required to provide notice to the Registrar prior to entering into any risk contracts with scheduled and/or non-scheduled air carriers.

Important reminders

When an owner sells 100% of the shares in their travel business to someone else, the original owner is still liable for the business until the new owner has been approved by TICO.

New owners must: consent to having a background credit check; provide a security deposit of \$10,000.00; provide the business's financial statements as at the time of purchase; and must meet the working capital requirements as stated in **Section 24** of Ontario Regulation 26/05.

New owners must provide TICO with a copy of the purchase agreement and a list of the new Board of Directors when the shares are transferred. ▲

More reminders on registration

The application form for new registrants includes a checklist of items and information that must be provided. This is important, as any omission will delay the registration process.

- Every officer and director must sign the initial application form and the consent form agreeing to background checks.
- When opening a trust account, it must be designated as a *Travel Industry Trust Account*, as required by Ontario Regulation 26/05. Despite the occasional bank employee saying this cannot be done, it can... and it must! TICO requires a letter from the registrant's bank confirming the bank account and its designation.
- The Ontario Ministry of Government Services must be informed whenever there is a change of an officer or director of the corporation, by completing a Form 1, and TICO must be advised within five days of the change.
- When adding a new business or trading name, registrants must first register it with the Ontario Ministry of Government Services, and then provide TICO with a copy of the government's confirmation of the name.
- A business name is valid for a five-year term only. As reminders are not sent out, business owners must remember to renew, otherwise, their company's name will be removed from the government's records and can be obtained by someone else.

TICO's pledge

Several years ago, TICO's Board of Directors committed to providing this annual reminder to all registrants. By displaying a copy of the Code of Ethics prominently, you will be reinforcing your values and principles to your staff, your suppliers and, most importantly, your clients.



CODE OF ETHICS

The Travel Industry Council of Ontario (TICO) strives to provide a fair and informed marketplace for consumers. TICO strongly encourages all Ontario registrants to comply with the following Code of Ethics, which targets the values and principles that are in keeping with this objective.

Integrity: Conduct our activities with honesty, dignity and fiscal responsibility, always protecting and promoting the best interests of our clients.

Disclosure: Communicate material facts to our clients; supply accurate and complete information in a clear and understandable manner to assist consumers to make informed decisions in their choice of travel services.

Marketing: Refrain from using any form of misleading advertising or innuendo in marketing products and services.

Competition: Practice fair and open competition and refrain from unjustly criticizing competitors, their products and services or their business methods.

Accountability: Fulfill all contractual obligations promptly and completely. Respond to legitimate complaints without delay. Maintain accurate and complete records of all client transactions and safeguard consumer monies.

Compliance: Abide by applicable laws and regulations and never knowingly do business with those operating outside those laws. Registrants are required to ensure that all employees and other sellers of travel associated with the Registrant are conversant with all aspects of the *Travel Industry Act, 2002*, the Regulations and this Code of Ethics.

Cooperation: Cooperate with any investigation/inquiry by the Registrar or TICO staff to resolve any problems or disputes as soon as possible.

Competency: A registrant is responsible for the competency of all staff.

Respect: Treat all people with equality and respect.

Confidentiality: Treat every client transaction confidentially. Do not disclose any information without permission of the client, unless required to do so by law.

Conflict of Interest: A Registrant's first responsibility is to its clients and the clients' best interests. Any commercial gain and/or preferred relationships between a Registrant and suppliers will at all times be secondary. ▲

Education standards: an update

As of February 28, 2010, the statistics were as follows:

19,374 travel agents had written the Travel Counsellor Exam.

392 travel agents had written the Supervisor/Manager Exam.

1,667 people had written the combined Travel Counsellor and Supervisor/Manager Exam.

In total, an impressive 21,433 travel counsellors, supervisors and managers have taken the Education Standards examination since the system was launched last summer.

Please note that, from time to time, it is brought to TICO's attention that certain individuals have not yet taken or passed the Education Standards examination, as is now required. While TICO always follows up on these complaints, its findings are not a matter of public record.

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affected travellers, both at the point of departure and in destination."

Consumers who purchased their travel services either directly from Sunrise or from an Ontario registered travel agency, and who did not receive their travel services due to the failure, may claim for reimbursement from the Ontario Travel Industry Compensation Fund. As there is a legislated six-month claim-filing deadline, all claims relating to Sunrise must be filed by June 19, 2010. Claim forms may be requested by contacting TICO at **1-888-451-8426** or **(905) 624-6241**.

Court Matters

► CHARGES

Ian Sadler and Sadler Musical Productions Inc. have been charged with one count each of operating as a travel agent without registration, contrary to **Section 4(1)(a)** of the *Travel Industry Act, 2002*. Mr. Sadler and Sadler Musical Productions Inc. are located in Stratford, Ontario.

1339875 Ontario Inc. o/a Faro Travel Agency have been charged with one count each of operating as a travel agent without registration, contrary to **Section 4(1)(a)** of the *Travel Industry Act, 2002*. **1339875 Ontario Inc. o/a Faro Travel Agency** was previously registered as a travel agent under the *Act*, however the registration was revoked on October 21, 2009. **1339875 Ontario Inc. o/a Faro Travel Agency** and Tom Marsala were also charged with three counts each of issuing false statements, contrary to **Section 31(1)(a)** of the *Act*.

Boris Golan and Travel Mix Inc. have been charged with one count each of operating as a travel agent without registration, contrary to **Section 4(1)(a)** of the *Travel Industry Act, 2002*.

Jason Konstantos has been charged with one count of operating as a travel agent without registration, contrary to **Section 4(1)(a)** of the *Ontario Travel Industry Act, 2002*. Mr. Konstantos was previously convicted of one count of Breach of Probation, contrary to **Section 75** of the *Ontario Provincial Offences Act*, and in January 2005, he was previously convicted of one count of acting as travel agent without registration, contrary to **Section 3(1)** of the *Travel Industry Act*.

► CONVICTIONS

Rose Scurti and MRV Enterprises Inc. o/a Uniglobe Intrigue Travel were convicted of failing to maintain trust accounting, contrary to **Section 27** of Ontario Regulation 26/05 made under the *Travel Industry Act, 2002*. Rose Scurti was convicted on two counts and MRV Enterprises Inc. was convicted on one count of operating as a travel agent without registration, contrary to **Section 4(1)** of the *Act*. MRV Enterprises Inc. o/a Uniglobe Intrigue Travel was previously registered under the *Act*, but continued to operate after its registration was revoked on March 28, 2008. Rose Scurti was fined \$4,000 in addition to a victim surcharge fee of \$1,000 for a total of \$5,000. She must also pay restitution in the amount of \$15,023.15 to the two victims. Ms. Scurti is subject to a two-year period of probation during which she must perform 50 hours of community service and is not allowed to work in the travel industry in any capacity, without the written permission of the Registrar. MRV Enterprises Inc. o/a Uniglobe Intrigue Travel received a suspended sentence.

Continued on page 10...

The downside of booking with out-of-province tour operators

A recently issued Registrar Bulletin reminded registrants that the Ontario Travel Industry Compensation Fund does not extend to bookings made with out-of-province tour operators or end suppliers other than airlines and cruise lines. You should always check to see if the company you are dealing with is registered in Ontario with TICO.

Consumers purchasing travel services from Ontario travel agencies may well assume the Compensation Fund protects them if something goes wrong. However, they are NOT covered if the travel services are not received due to the out-of-province tour operator ceasing operations. Consumers are ONLY covered if the Ontario-registered travel agency fails.

Consequently, it is the registrant's responsibility to disclose this information to consumers at the time of purchase. Indeed, **Section 36** of Ontario Regulation 26/05 requires the travel agent to disclose all information that they have reason to believe may affect a customer's decision to purchase.

If you are uncertain as to whether a travel company is registered in Ontario, you can use the Search feature on TICO's website at www.tico.ca or contact TICO at tico@tico.ca to verify the company is a TICO registrant.

TICO TOWN HALL MEETINGS *continued from page 1*

for which agency. This would be an added protection for consumers, registrant agencies and legitimate outside sales representatives working in Ontario.

It is important to note that the intent of the Town Hall Meetings is for TICO to gather information and seek input from registrants on these major issues. There is no commitment from the government, at this time, to make any changes to the legislation.

Prior to the meetings, further information on Board Composition will be available on TICO's website, and you are strongly encouraged to review and consider the materials in advance of the meeting. There will also be a Question & Answer session with the Registrar, and stakeholders are encouraged to ask questions or raise issues of concern to them.

Although there is no cost to participate, please register in advance for the meeting you wish to attend.

TOWN HALL MEETING SCHEDULE		
DATE & TIME	CITY	LOCATION
Thursday, April 15 TH 2010 6:00 p.m. – 9:00 p.m.	London	Ramada Inn 817 Exeter Road Churchill A (519) 681-4900
Monday, April 19 TH 2010 6:00 p.m. – 9:00 p.m.	Sudbury	Quality Inn 390 Elgin Street South Senator Room (705) 675-1273
Thursday, April 29 TH 2010 6:00 p.m. – 9:00 p.m.	Ottawa	Novotel Ottawa 33 Nicholas Street Red Experience Rouge (613) 230-3033
Monday, May 10 TH 2010 6:00 p.m. – 9:00 p.m.	Toronto	Toronto Congress Centre 650 Dixon Road Pierre Berton Room (416) 245-5000

Anyone wishing to attend one of the above meetings is asked to R.S.V.P., advising the name and number of people who will be attending as follows:

For the London meeting, respond to londonmeeting@tico.ca

For the Sudbury meeting, respond to sudburymeeting@tico.ca

For the Ottawa meeting, respond to ottawameeting@tico.ca

For the Toronto meeting, respond to torontomeeting@tico.ca

Requests for additional meetings should be made to tico@tico.ca ▲

The demise of Skyservice

On March 31, 2010, Skyservice Airlines was placed into receivership by an Ontario Court. Skyservice operated charter flights to various destinations on behalf of Ontario tour operators, which were sold as part of packaged holidays (air and accommodations) by travel agencies.

Being an airline, Skyservice is not registered with TICO. However, consumer protection is available under the Ontario *Travel Industry Act, 2002* and its Regulation. Registered Ontario tour operators (travel wholesalers) who packaged Skyservice flights or sold air only with Skyservice are required, under the legislation, to provide alternate replacement travel services or a full refund to the customer.

"The failure of Skyservice Airlines drives home TICO's message that the best way for consumers to protect themselves, whether booking online or at a travel agency, is to deal with an Ontario registered travel agency," said Michael Pepper, President of TICO. TICO encourages consumers to *Always Look Before You Book*, to ascertain that an agency or website has the TICO logo and the TICO registration number.



Skyservice Airlines' Closure: Consumers Protected

As announced in a Closure Advisory on TICO's website, Skyservice Airlines operated charter flights to various destinations on behalf of some Ontario tour operators. These flights were sold as part of packaged holidays by travel agencies. Consumers who have purchased travel services that include a Skyservice flight from an Ontario registered travel agency should contact their travel agent for information with respect to any alternate travel arrangements or a refund.

Travel agents who purchased packaged holidays with Skyservice flights or air only from a tour operator (travel wholesaler) registered in Ontario must contact the tour operator involved to obtain instructions with respect to:

- obtaining a full refund, or
- information regarding alternate travel arrangements for consumers in destination, or with immediate/future departures.

Registrants in Ontario who acquire travel services for the purpose of resale are required to provide alternate replacement travel services or a refund when a supplier fails to provide the travel services. The following sections of Ontario Regulation 26/05 apply.

Section 40

When a registrant becomes aware that the scheduled departure of any transportation that forms part of the travel service is delayed or advanced by 24 hours or more, the registrant must promptly notify the travel agent or customer, as the case may be, and offer the customer the choice of a full and immediate refund or comparable alternate travel services acceptable to the customer. The ONLY exceptions are when the reason for the delay or advancing is the result of:

- mechanical problems with a vehicle, ship or aircraft
- safety considerations
- weather conditions
- a strike or lock-out
- force majeure

Section 46

If a registrant acquires rights to travel services for resale to other registrants or to customers, and the supplier fails to provide the travel services paid for by a customer, the registrant who acquired the rights for resale shall reimburse the customer or provide comparable alternate travel services acceptable to the customer.

Please note that TICO's website will be updated regularly as new information regarding the closure of Skyservice becomes available.

Upcoming Issues

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

- Report on TICO Town Hall Meetings
- Update on the Consumer Awareness Campaign
- Update on Sunrise International Travel
- Update on Conquest Vacations

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Court matters continued from page 7

1195798 Ontario Inc. o/a Sonalis Travel and Kim Phuong Tran have each been convicted on one count of operating as a travel agent without registration, contrary to **Section 4(1)(a)** of the *Travel Industry Act, 2002*. 1195798 Ontario Inc. o/a Sonalis Travel was previously registered as a travel agent under the *Act*, however the registration was revoked on August 10, 2009. Kim Phuong Tran was fined \$3,000 and must serve a two-year period of probation during which she cannot work in the travel industry without the prior approval of the Registrar. 1195798 Ontario Inc. o/a Sonalis Travel received a suspended sentence.

Aero Canadian Tour and Travel Inc., Ragubayan Logasundaram and Sutharsanan Shanmugasundaram were convicted on one count each of failing to obtain the consent of the Registrar prior to assuming the role of director of a Registrant, contrary to **Section 5(1)** of the *Travel Industry Act, 2002*. Aero Canadian Tour and Travel Inc., Ragubayan Logasundaram and Sutharsanan Shanmugasundaram were convicted on two counts each of failing to maintain trust accounting, contrary to **Section 27** of Ontario Regulation 26/05 made under the *Travel Industry Act, 2002*. Aero Canadian Tour and Travel Inc., Ragubayan Logasundaram and Sutharsanan Shanmugasundaram were convicted on two counts each of failing to notify the Registrar of a change in location and banking institution, contrary to **Section 17(1)** of Ontario Regulation 26/05 and one count each of operating without registration, contrary to **Section 4(1)** of the *Act*. The registration of Aero Canadian Tour and Travel Inc. under the *Act* was revoked on January 10, 2008 and claims were paid to consumers from the Ontario Travel Industry Compensation Fund. Ragubayan Logasundaram was sentenced to 90 days in jail and a two-year period of probation. In addition, he must pay restitution to TICO in the amount of \$8,750, and cannot be employed in the travel industry without the permission of the Registrar. Sutharsanan Shanmugasundaram was also sentenced to a two-year period of probation, was ordered to pay restitution of \$6,000 to TICO, and also cannot be employed in the travel industry without the permission of the Registrar.

➤ REVOCATIONS

Between November 5, 2009 and February 10, five companies had their registrations revoked: **Canadian Tours and Travel Inc; Prime Travel and Tours Inc.; I.G. Group Tours Limited; Worldwide Travel Services Inc.; and 1760318 Ontario Inc. o/a Golden Horse Tours (Markham).** ▲

