



Citation: SAS Travel o/a Travel Kiosk Mana Travel Inc. v. Registrar, *Travel Industry Act, 2002*, 2023 ONLAT 14154 TIA

File Number: 14154/TIA

Appeal from a Notice of Proposal under the *Travel Industry Act, 2002*, S.O. 2002 to Revoke Registration

**Between:**

**Mana Travel Inc. o/a SAS Travel also o/a Travel Kiosk**

**Appellant**

and

***Registrar, Travel Industry Act, 2002***

**Respondent**

**CONSENT ORDER**

**ADJUDICATOR:** Avril A. Farlam, Vice-Chair

**APPEARANCES:**

For the Appellant: Michael Burokas, Counsel

For the Respondent: John Park, Counsel

Heard by videoconference: January 10, 2023

## BACKGROUND

- [1] Mana Travel Inc. o/a SAS Travel also o/a Travel Kiosk (the “appellant”) appeals the Notice of Proposal dated June 16, 2022, to revoke the registration of the appellant issued by the Registrar, *Travel Industry Act, 2002*, S.O. 2002, c. 30, Sched D (the “Act”).
- [2] The Notice of Proposal is based on the grounds that the past conduct of the appellant’s officers and directors affords reasonable grounds for belief that its business will not be carried on in accordance with the law and with integrity and honesty under s. 8(1)(d)(iv) and that the applicant is carrying on activities that are, or will be if the applicant is registered, in contravention of the Act or the regulations under s. 8(1)(e).
- [3] At this hearing, the parties advised the Tribunal that they had resolved the issues in dispute and both parties consent to the continued registration of the appellant as a travel agent under the Act on the terms and conditions set out in Schedule A signed by both parties January 6, 2023.
- [4] Further, both parties confirmed that pursuant to section 4.1 of the *Statutory Powers Procedure Act*, R.S.O. 1990, c. S 2 (the “SPPA”), both parties waive the requirements of a hearing and consent to an Order of the Tribunal to continue the appellant’s registration on the terms and conditions set out on Schedule A. A copy of the agreement signed by both parties is attached as Schedule A to this Order.

### ON CONSENT OF BOTH PARTIES, I ORDER:

- [5] Pursuant to s. 4.1 of the SPPA and on the consent of the parties, I dispose of this proceeding without a hearing on the terms set out in the agreement signed by both parties on January 6, 2023, attached to this order as Schedule A, which Schedule A is incorporated and made part of this Order.

LICENCE APPEAL TRIBUNAL



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Avril A. Farlam, Vice-Chair

*Released: January 18, 2023*

## Schedule A



### **Mana Travel Inc. o/a SAS Travel also o/a Travel Kiosk Registration 50024320 – R (Retail)**

#### **CONDITIONS TO REGISTRATION**

Whereas Mana Travel Inc. o/a SAS Travel also o/a Travel Kiosk (Registration 50024320R) (the “Registrant”) is a travel agent under the *Travel Industry Act, 2002*, (“Act”) and is subject to the requirements of the Act and to Regulation 26/05 under the Act (“Regulation”) (collectively, the “legislation”);

AND WHEREAS a Notice of Proposal to Revoke Registration (the “Proposal”) was issued by the Registrar on June 16, 2022;

AND WHEREAS the Proposal alleged that the Registrant failed to submit a financial statement or a verification statement for the 2021 fiscal year-end;

AND WHEREAS the Proposal alleged that the Registrant failed to submit Form 1 for December 31, 2019 and June 30, 2020;

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

AND WHEREAS the Registrar is agreeable to resolving the Proposal;

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

#### **A. THE REGISTRANT ACCEPTS THE FOLLOWING CONDITIONS TO ITS REGISTRATION:**

**A. Conditions of Continued Registration**

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

1. The Registrant shall take care to ensure that annual Financial Statements or Verification Statements are filed with TICO in a timely manner in accordance with the applicable legislation.
2. The Registrant shall take care to ensure that Form 1 is filed with TICO in a timely manner in accordance with the applicable legislation.
3. The Registrant shall respond to any and all requests for information, forms or documents from the Registrar or the Registrar's designate (hereinafter "TICO staff") in a fulsome and timely manner and is responsible for ensuring that any and all Directors and Officers and Supervisor/Managers of the Registrant respond in a fulsome and timely manner. The Registrant shall respond to all requests for information, forms or documents from TICO staff by the due date or time indicated or, if no specific due date or time is indicated, within 5 business days after the request.
4. **The Registrant shall enrol and complete before June 30, 2023, the following TICO webinars or equivalent:**
  - a. **"Preparing the Verification Statement" Webinar**

<p><b>*Note: upcoming webinar course dates and registration instructions are found on the TICO website at <a href="https://www.tico.ca/travel-professionals/tico-learning-centre/upcoming-webinars-and-seminars.html">https://www.tico.ca/travel-professionals/tico-learning-centre/upcoming-webinars-and-seminars.html</a></b></p>
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- B. THE REGISTRANT UNDERSTANDS THAT SHOULD IT FAIL TO COMPLY WITH ANY OF THE ABOVE NOTED CONDITIONS OR ANY OTHER PROVISION OF THE ACT OR REGULATION, THAT NON-COMPLIANCE AND ALL PREVIOUS NON-COMPLIANCE HISTORY WILL BE TAKEN INTO CONSIDERATION AND CITED IN ANY DECISION BY THE REGISTRAR TO TAKE FURTHER LEGAL OR ADMINISTRATIVE ACTION INCLUDING A FURTHER PROPOSAL TO REVOKE OR REFUSE TO RENEW REGISTRATION UNDER THE ACT.**

- C. The Registrant hereby acknowledges and understands that nothing in these conditions restricts the right of the Registrar or the Travel Industry Council of Ontario to take further administrative or legal action, or a prosecution for an alleged offence under the Act, as appropriate, including but not limited to any administrative or legal action arising in whole or in part from any non-compliance with these Conditions. For clarity, the Registrant acknowledges and understands that a failure to comply with any provisions of the Conditions of Continued Registration above may result in issuance of the Notice of Proposal to Revoke Registration.
- D. The Registrant and the undersigned on behalf of the Registrant acknowledge they have read, understand and will comply with the entirety of this document including but not limited to the Conditions of Continued Registration.
- E. The Registrant and the undersigned on behalf of the Registrant hereby acknowledge that they have been informed of their right to independent legal advice.

SIGNED THIS    <sup>TH</sup> DAY OF JANUARY 2023

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Iman Moayed (or designate)  
Director and Manager  
**Mana Travel Inc. o/a SAS Travel  
also o/a Travel Kiosk  
(TICO Registration #50024320R)**  
"I have the authority to bind  
the Corporation"

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Richard Smart  
**Registrar, *Travel Industry Act,*  
2002**