



Citation: CTC Beyond International Limited v. Registrar, *Travel Industry Act, 2002*,
ONLAT TIA 12566

Date: 2020-04-02
File Number: 12566/TIA

Appeal from a Notice of Proposal to Revoke Registration by the Registrar, *Travel
Industry Act, 2002*, S.O. 2002, c. 30, Sch. D and Ontario Regulation 26/05

Between:

CTC Beyond International Limited

Appellant

-and-

Registrar, *Travel Industry Act, 2002*

Respondent

CONSENT ORDER

Order Made by: Terry Hunter, Vice Chair

Date of Order: April 2, 2020

BACKGROUND

- [1] CTC Beyond International Limited (the “appellant”) appealed a Notice of Proposal, issued by the Registrar, Travel Industry Act, 2002 (the “Registrar”) on January 15, 2020. The Registrar proposed to revoke the appellant’s registration on the grounds that:
- a. the appellant was carrying on activities in contravention of the Travel Industry Act, 2002 (the “Act”) and/or Ontario Regulation 26/05; and
 - b. the past conduct of the appellant and/or its officer and/or director provide reasonable grounds for the belief that the appellant’s business will not be carried on in accordance with the law and with integrity and honesty.
- [2] The parties have advised the Tribunal that they were able to agree upon a settlement of all outstanding issues in this matter have requested that the terms of settlement be incorporated into a consent order disposing of this proceeding.

ORDER AND DIRECTION

- [3] Accordingly, on the consent of the parties and upon having reviewed the agreement signed by the appellant and the Registrar, the Tribunal directs and orders the Applicant shall be bound by the terms of the consent agreement signed and executed by the Appellant.
- [4] The signed agreement is appended as **Schedule “A”** to this Order.
- [5] This Tribunal file shall be closed.

LICENCE APPEAL TRIBUNAL

Terry Hunter, Vice Chair

Released: April 2, 2020

SCHEDULE "A"

LAT FILE No. 12566/TIA

LICENCE APPEAL TRIBUNAL

BETWEEN

CTC BEYOND INTERNATIONAL LIMITED

Appellant

- and -

REGISTRAR, TRAVEL INDUSTRY ACT, 2002

Respondent

MINUTES OF SETTLEMENT

Whereas CTC Beyond International Limited ("Registrant") is a travel agent under the *Travel Industry Act, 2002*, ("Act") and is subject to the requirements of the Act and Regulation 26/05 under the Act ("Regulation") (collectively, the "legislation");

And in a Notice of Proposal to Revoke Registration dated January 15, 2020, the Registrar under the Act ("Registrar") proposed to revoke the registration under the Act of the Registrant ("Proposal");

And the Registrant requested a hearing in respect of the Proposal by appealing to the Licence Appeal Tribunal ("Tribunal");

And the Registrar and Registrant (the "Parties") have agreed to resolve the Proposal with these Minutes of Settlement;

Therefore, the Parties consent to an Order of the Tribunal incorporating the terms of these Minutes of Settlement and settling this matter without a hearing:

- A. The Registrant agrees to withdraw its appeal and request for a hearing, made to the Tribunal, in respect of the Proposal.**
- B. The Parties agree to submit these Minutes of Settlement to the Tribunal as a joint submission asking the Tribunal to issue a Consent Order ordering that the Registrant continue to be registered under the Act, subject to conditions of registration that are set out in Part D below.**
- C. The Registrant admits all of the Particulars with respect to Past Non Compliance set out at pages 8-16 inclusive, in the Proposal, as proven and correct for all purposes, including as evidence in any future administrative action taken against the registration of the Registrant, including but not limited to a further Proposal to Revoke or Refuse to Renew or Refuse the registration of the Registrant under the Act.**

- D. The Registrant advises and undertakes that it is not as of the date of these Minutes of Settlement, actively engaged in selling, to consumers, travel services provided by other persons and is not holding itself out as being available to do so, i.e. is not actively acting as or holding itself out as being available to act as a travel agent within the meaning of the Act.**

E. Conditions of Continued Registration

In addition to and without limiting the Registrants obligation to comply with all requirements of the legislation, and 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 the Trust Declaration signed June 11, 2015, on behalf of the Registrant, undertaking to comply with the legislation and Travel Industry Council of Ontario (“Administrative Authority”) Trust Accounting Guidelines, the Registrant shall comply with the following additional conditions of its registration:

1. Before resuming the activity of a travel agent, i.e. selling, to consumers, travel services provided by other persons and before holding itself out as being available to do so, the Registrant shall advise the Register in writing of its intention to do so.
2. The Registrant shall at all times comply with all requirements of the legislation in the course of or in connection with its registration under the Act and any activities as a travel agent within the meaning of the Act.
3. Without limiting the above, the Registrant shall comply with the requirements about business records set out in Section 29 of the Regulation and without limitation to the requirements of that Section, shall maintain at its principal registered office, or such other location approved, in advance, by the Registrar in writing, all of the following records:
 - a. Accounting records setting out in detail the registrant’s income and expenses and supporting documentary evidence, including copies of statements, invoices or receipts that have unique identifiers or serial numbers provided to customers.
 - b. Banking records that readily identify and may be used to verify all transactions that were made in connection with the registrant’s business.
 - c. A written record of all payments made by or to the registrant respecting the purchase or sale of travel services. The record shall be in a form that enables the registrar to identify readily the transaction to which each payment relates, based on the unique identifiers or serial numbers.
4. Without limiting the above, the Registrant agrees and undertakes that each office operated by it shall be managed and supervised, throughout its hours of operation, by at least one person who has obtained the required certification for being a Travel Supervisor/Manager from the Administrative Authority, further to Section 15 of the Regulation. The Registrant agrees and undertakes that at least one person who has obtained the required certification for being a Travel Counsellor from the Administrative Authority shall be available at each office operated by it throughout its hours of operations, further to Section 15 of the Regulation.
5. Without limiting the above, the Registrant acknowledges and understands that, upon the Registrant providing the written notice to the Registrar set out in Condition #1 above, or

upon the Registrant receiving information from any source whatsoever indicating that the Registrant is engaged in activities of a travel agent or is holding itself as available to do so, an Inspector designated by the Registrar will conduct an Inspection of the Registrant under Section 17 of the Act. The registrant shall fully cooperate with the Inspector and shall respond to any inspection related request from or on behalf of the Registrar or the Inspector within the time requested or if no time is indicated as soon as possible and within five business days of the date of the request.

6. Without limitation to the above, the Registrant shall respond to any and all requests for information from the Registrar 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 from the Registrar by the due date or time indicated by the Registrar or, if no specific due date or time is indicated, within five business days after the request. The Registrant shall respond to all requests from the Registrar in writing if requested by the Registrar.
- F. The Registrant acknowledges and understands that if it fails to comply with any of the above noted conditions or any other provision of the Act or Regulation, said non-compliance and all previous non-compliance history will be taken into consideration and may be cited in any decision by the Registrar to take further legal or administrative action against the Registrant, including but not limited to a further Proposal to Revoke or Refuse to Renew or Refuse the registration of the Registrant under the Act.**
- G. The Registrant acknowledges and understands that nothing in these conditions restricts the Registrar or the Administrative Authority from taking further administrative or legal action against the Registrant, including but not limited to a further Proposal to Revoke or Refuse to Renew or Refuse the registration of the Registrant under the Act, or a prosecution for an alleged offence under the Act, as appropriate in the circumstances.**
- H. The Registrant and the undersigned on behalf of the Registrant acknowledge they have read, understand and will comply with these Minutes of Settlement including and not limited to the Conditions of Continued Registration, and with any Order of the Tribunal.**
- I. The Registrant and the undersigned on behalf of the Registrant acknowledge that they have been informed of and understand their right to obtain independent legal advice, and to be represented by Counsel or Agent, with respect to this matter and in respect of these Minutes of Settlement.**

SIGNED THIS _____ DAY OF _____ 2020

Gerry Xin
Director and Manager,
CTC Beyond International Limited.

Richard Smart
Registrar, *Travel Industry Act, 2002*

I have the authority to bind the
Corporation