



Guidelines for Event Planners

Introduction

The Travel Industry Council of Ontario (TICO) is responsible for administering the provincial legislation governing the travel industry in Ontario: the *Travel Industry Act, 2002 (Act)* and Ontario Regulation 26/05 (Regulation). TICO's mandate is to ensure that anyone involved with selling travel services in Ontario is doing so in accordance with the *Act*.

Event Planners (ex. Meeting planners, Wedding planners, Incentive Group planners) sometimes engage in activities similar to those of travel agents or travel counsellors.

These Guidelines are designed to assist Event Planners who combine event management services with travel services, to better understand when registration is required under the *Act*.

Examples:

- A wedding planner who offers a honeymoon package that includes transportation and/or accommodation to the honeymooners in conjunction with planning their wedding ceremony and reception.
- An incentive group planner who offers a company a tropical destination setting for corporate meeting which includes transportation and/or accommodation to the destination.

Terms used in these Guidelines

The following definitions are found in the *Act*

Section 1

Travel Agent is defined as a person who sells to consumers, travel services provided by another person.

Travel Services are defined as transportation or sleeping accommodation for the use of a traveler, tourist or sightseer or other services combined with that transportation or sleeping accommodation.

Section 4

No person shall act or hold himself, herself or itself out as being available to act as a travel agent unless the person is registered as a travel agent under this *Act*.

The following terms are often used in the industry and are provided for clarification and guidance purposes

Travel Retailer – often used interchangeably with the term Travel Agent

Travel Counsellor – person employed by the travel agent, who is authorised to sell travel services on behalf of the travel agent and who has obtained the TICO Certificate for being travel counsellor and/or travel supervisor/manager.

Outside Sales Representative (OSR) – same as a Travel Counsellor, except he/she can sell travel services outside of the main place of business of the travel agent, i.e. from any public place.

Anytime Event Planners sell, book, arrange or consult a customer with respect to transportation and/or accommodation as part of the event planning services, they must comply with the provisions of the *Act* and Regulation.

In order to provide clarification and guidance with respect to the travel services related activities of Event Planners and to ensure consumers are protected, TICO has prepared the following Guidelines for Event Planners.

REGISTRATION REQUIRED

An individual or business that organizes events, which include travel services, must either register as a travel agent with TICO or be affiliated as a Travel Counsellor/ Outside Sales Representative with an existing TICO registered travel agency.

This applies in any of the following circumstances:

- a. If the Event Planner signs any contracts or agreements for travel services on behalf of their customer.
- b. If the Event Planner makes arrangements for transportation to and from the event, or arranges to make reservations for accommodations on behalf of the customer.
- c. If the Event Planner collects payments or facilitates transactions on behalf of any customer with any supplier of travel services.
- d. If the Event Planner makes payments on behalf of any customer to any supplier of travel services.
- e. If the Event Planner includes accommodation, transportation or other travel services in any advertising of its event planning services.

Information with respect to Registration requirements can be found: www.tico.ca/industry-info/registration-information.html

Outside Sales Representative Guidelines can be found: www.tico.ca/industry-info/outside-sales-reps.html

Examples

- An Event Planner is organizing meetings for a corporate event in Cancun, Mexico and has included flights, ground transportation and accommodation as well as meeting facilities in one all inclusive price. The Event Planner arranges and signs contracts with travel suppliers and is collecting customer's money and forwarding those funds to the travel suppliers for travel services.

Under this scenario, the Event Planner must register under the *Act* or be affiliated with a TICO registered travel agent as a Travel Counsellor/Outside Sales Representative.

- An Event Planner organizes a corporate event in Las Vegas. The Event Planner plans the trip, makes arrangements for transportation and accommodation and facilitates the transaction by advising the customer to make direct payments to the travel suppliers.

Under this scenario, the Event Planner is counselling for the purpose of selling travel services. Therefore, he or she must register under the *Act* or be affiliated with a TICO registered travel agent as a Travel Counsellor/Outside Sales Representative.

REGISTRATION NOT REQUIRED

In some circumstances (see below), an Event Planner may not require registration as a travel agent under the *Act* if they meet the following conditions:

- a. The Event Planner does not sign agreements for travel services on behalf of the customer. The Event Planner may source & recommend the choice and location of the event but may not sign contracts, agreements or addenda.
- b. The Event Planner does not disburse money for travel services on behalf of the customer. *Supplier invoices must be made out to the customer and must be paid by the customer directly to the supplier.* The customer cannot pay the Event Planner to disburse funds to suppliers on its behalf.
- c. The Event Planner cannot make bookings for accommodation or travel services nor include accommodation and/or travel services in any advertising to prospective customers.

Working in collaboration with an Ontario based TICO registered travel agent to fulfill the travel services, but not acting as an OSR/Travel Counsellor.

The following guidelines must be adhered to:

- a. The Event Planner acts as an organizer of the event and therefore cannot act as travel counsellor or OSR in relation to the sale of travel services, i.e. counselling/advising customers about travel services, collecting payments from customers, facilitating any transactions such as direct payment from customers to travel suppliers, making bookings and/or making arrangements for accommodation or transportation. Instead, customers should be contacting the TICO registered travel agent directly.
- b. Any promotion or advertisement of the event made by the event planner must clearly instruct the customer to contact the TICO registered travel agent directly to inquire about and/or book the event. The advertisement must include the TICO registered travel agent's business name, address, phone number and TICO registration number in order to comply with the legislation.
- c. The Event Planner provides planning services not related to travel services (e.g. organizing the logistics surrounding a conference) and may charge a fee/payment for providing the planning service. Any payments requested from consumers must be exclusively for the planning services.

Examples

- An Event Planner is contacted by a company to plan a corporate meeting for a few days in Chicago. The Event Planner searches for a suitable venue to hold this event and researches the price points for the meeting portion of the trip. The Event Planner plans the trip in collaboration with an Ontario based TICO registered travel agent in accordance with the guidelines listed above. The travel agent handles the contracting of air seats, hotel and local transportation including all of the customer inquiries, disclosure and bookings. The fee for the event portion is packaged with the travel portion and the travel agent collects the full fee. After the booking is made the travel agent disburses payment to the Event Planner for the event portion of the package.

Under this scenario, the Event Planner does not require registration under the *Act* because he or she is working with a TICO registered agent to plan the trip. The Event Planner is not acting as a travel counsellor/OSR and is only providing meeting planning services.

- A Wedding Planner organizes a wedding for a couple together with a honeymoon package for a Caribbean destination. The Wedding planner plans the trip in collaboration with an Ontario based TICO registered travel agent in accordance with the guidelines listed above. The travel agent handles all of the aspects of the honeymoon booking including customer inquiries. The fee for wedding is separate from the travel services (honeymoon). The travel agent collects the fee relating to the honeymoon and the Wedding planner collects the fee relating to wedding planning.

Under this scenario, the wedding planner does not require registration under the *Act* because he or she is working with a TICO registered travel agent to plan the honeymoon portion. The wedding planner is not acting as a travel counsellor/OSR and is only providing specialty services (wedding event planning).

The guidelines above provide some examples but are not exhaustive. If you have questions relating to disclosure and invoicing guidelines please contact TICO for more information.

DISCLAIMER

These guidelines have been developed to assist registrants in complying with the requirements and prohibitions found in the Travel Industry Act, 2002 (the "Act") and Ontario Regulation 26/05 (the "Regulation"). The document contains information regarding TICO's interpretation of the legislative and regulatory provisions and suggested best practices. If you have any questions regarding the information in this document, you should contact TICO.

The information provided is for general informational and educational purposes only and is not intended to provide legal advice to any individual or entity. These guidelines are not exhaustive and cannot hope to address the complexities of every travel business in the province. Further, registrants are subject to other federal, provincial and municipal laws that impact their businesses. We urge you to consult with your own legal advisor regarding the specifics of your business and compliance with the Act and Regulation. You should not rely on information in this document as an alternative to legal advice.

The content in these guidelines is current as of the date of publication. While TICO strives to keep the information as timely and accurate as possible, it makes no claims, promises or guarantees about the accuracy, completeness or adequacy of the content. In the event of a conflict, the requirements in the Act and Regulation will prevail.

If you have any questions, please contact TICO's Compliance Department at 1-888-451-TICO (8426).