

SCHEDULE D

(s. 1.1)

DECLARATION

I, (name) _____, residing at (address) _____, have not been indicted for an offence referred to in section 1.1 of the Regulation respecting teaching permits and teaching diplomas and have not been convicted of such an offence or if I have been convicted of such an offence I have been granted a pardon.

or

I, (name) _____, residing at (address) _____, was indicted on (date) _____ for the following offence: _____, referred to in section 1.1 of the Regulation respecting teaching permits and teaching diplomas.

or

I, (name) _____, residing at (address) _____, was convicted on (date) _____ of the following offence: _____, referred to in section 1.1 of the Regulation respecting teaching permits and teaching diplomas, and was sentenced to: _____ in file No. _____ of the (name of the court) _____ in the judicial district of _____ in the Province or State of _____.

I certify that the information given in this declaration is accurate and complete and I undertake to report to the Minister of Education any change that would modify this declaration.

Name in block letters Date of birth

Signature Date

6304

Draft Regulation

Travel Agents Act
(R.S.Q., c. A-10)

**Travel agents
— Amendments**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting travel agents, the text of which appears below, may be made by the Government on the expiry of 45 days following this publication.

The main purpose of the draft Regulation is to give effect to the new regulatory powers introduced in December 2002 to modernize the provisions applicable to travel agents (2002, c. 55). An indemnity fund for the customers of travel agents is established. The fund will be financed by the contributions of the customers of travel agents. The composition and functions of an advisory committee for travel agents are also set out.

The draft Regulation completes the legislative provisions recently enacted relating to the issue and transfer of licences, the obligations of travel agents and the supervision of their operations. Technical amendments are also proposed to harmonize the Regulation with the latest amendments to the Act.

The draft Regulation will have an impact on the persons doing business with travel agents since their customers will be required to contribute to the indemnity fund.

The draft Regulation will also have an impact on businesses since the amount of individual security required of travel agents is increased. On the other hand, they will no longer be required to contribute to a collective security fund.

Further information may be obtained by contacting Maryse Côté, Office de la protection du consommateur, Village olympique – 5199, rue Sherbrooke Est, bureau 3721, Montréal (Québec) H1T 3X2; telephone: (514) 873-3247; fax: (514) 864-2400.

Any person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Relations with the Citizens and Immigration, 360, rue McGill, Montréal (Québec) H2Y 2E9.

MICHELLE COURCHESNE,
*Minister of Relations with the Citizens
and Immigration*

Regulation to amend the Regulation respecting travel agents*

Travel Agents Act

(R.S.Q., c. A-10, s. 36, 1st par., subpars. *b*, *c*, *c.1*, *e*, *g*, *h*, *i*, *l*, *m* and *p*; 2002, c. 55, s. 25)

1. Section 1 of the Regulation respecting travel agents is amended by adding “, including the sums transmitted directly to another travel agent or supplier” at the end of paragraph *b*.

2. Section 2 is amended by inserting “or other wholesale travel agents” after “retail travel agents” in paragraph *b*.

3. Section 4 is amended

(1) by replacing “25% of the fees indicated in paragraph *a*, *b*, *c* or *d*” in subparagraph *f* of the first paragraph by “50% of the fees set out in paragraph *a*, *b*, *c* or *d* or \$1,000, whichever is less”;

(2) by replacing the second paragraph by the following:

“For the purposes of subparagraph *f* of the first paragraph, an applicant is deemed to have withdrawn an application if the requested additional information is not provided within three months after receiving a notice to that effect.”

4. Section 5 is amended by replacing “, a change in the fiscal year of the travel agent, or a renewal of licences expiring on 31 December 1986” in the third paragraph by “or a change in the travel agent’s fiscal year”.

5. Section 6 is amended

(1) by replacing “Immigration Act (R.S.C., 1985, c. I-2)” in subparagraph *i* of paragraph *a* by “Immigration and Refugee Protection Act (S.C. 2001, c. 27)”;

(2) by replacing subparagraph *v* of paragraph *a* by the following:

“*v.* in the case of a person acting on account of an association, partnership or person, furnish the names and addresses of the officers and silent partners and specify their status and interest in the enterprise;”

(3) by replacing “on behalf of a legal person” in subparagraph *ii* of paragraph *b* by “on account of a person”, by replacing “partnership or legal person” in that subparagraph by “partnership or person” and by striking out “, director, administrator, partner” in that subparagraph;

(4) by replacing “The subparagraph *ii*” in the second paragraph of paragraph *b* by “Subparagraph *ii*” and by striking out “legal” and “, director, administrator, partner” in that paragraph;

(5) by replacing “on behalf of a partnership, association, legal person” in subparagraph *ii* of paragraph *c* by “on account of a partnership, association or person” and by striking out “, directors, administrators, partners” in that subparagraph;

(6) by striking out “, director, administrator, partner” in subparagraph *i* of paragraph *c.1*;

(7) by inserting “or the Fonds d’indemnisation des clients des agents de voyages” after “collective security funds” in subparagraph *i* of paragraph *c.1*;

(8) by striking out “legal” and “, director, administrator, partner” wherever those words appear in subparagraph *ii* of paragraph *c.1*;

(9) by inserting “or the Fonds d’indemnisation des clients des agents de voyages” after “collective security funds” in subparagraph *ii* of paragraph *c.1*;

(10) by replacing “subparagraph *b*” in paragraph *e* by “subparagraph *c*”;

(11) by replacing “as employee or for the account” in paragraph *e* by “as employee and for the account”;

(12) by adding the following paragraphs after subparagraph *ii* of paragraph *f*:

“For the purposes of this paragraph, accounts receivable or payable between a travel agent and a person, association or partnership to which the agent is related or over which the agent exercises control are excluded from the calculation of the working capital.

The financial statements must also show separately the amount of sales from travel services subject to contribution to the indemnity fund.”;

(13) by adding “and be signed by an officer of the travel agent” at the end of the last paragraph of paragraph *f*;

* The Regulation respecting travel agents (R.R.Q., 1981, c. A-10, r.1) was last amended by the regulation made by Order in Council 1420-2002 dated 4 December 2002 (2002, *G.O.* 2, 6488). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2004, updated to 1 March 2004.

(14) by striking out “certifiée” in the French text of subparagraph *ii* of paragraph *g*;

(15) by replacing paragraphs *j.1* and *k* by the following paragraph:

“For the purposes of this section, in the case of a travel agent whose shares are listed on a stock exchange, “silent partner” refers only to a shareholder holding 10% or more of the voting shares.”.

6. Section 7 is amended

(1) by replacing “of Schedule A” in the part preceding paragraph *a* by “appearing as a schedule to this Regulation”;

(2) by replacing paragraph *b* by the following:

“(b) the security as provided in Division XI.”.

7. Section 8 is amended

(1) by replacing “of Schedule A” in the introductory paragraph by “appearing as a schedule to this Regulation”;

(2) by striking out “and, where required in accordance with paragraph 3 of section 38, of the additional collective security provided for in Division XII” in paragraph *b*.

8. The following is inserted after section 9:

“9.1. A licence for which an application for renewal has been made remains in force until the president has made a decision on the application.”.

9. Section 10 is replaced by the following:

“10. **Transfer:** Any person wishing to transfer a licence must submit an application to the president in Form LAV-1 appearing as a schedule to this Regulation.”.

10. The following is inserted after section 11:

**“DIVISION V
OBLIGATIONS OF TRAVEL AGENTS**

12. A travel agent must, within seven days of the event, notify the president in writing of any

(a) change of officer or silent partner;

(b) change of the person authorized to perform banking transactions affecting the trust account;

(c) change of address of the principal establishment or any other establishment;

(d) change of fiscal year end; or

(e) change of the travel agent’s name or any name under which the travel agent carries on business.

In the case of a travel agent whose shares are listed on a stock exchange, the requirement to give notice of a change of silent partner applies only where 10% or more of the voting shares are held by the shareholder, or where a person comes to hold 10% or more of such shares.

13. A travel agent shall not issue or offer to issue a voucher for the booking or reservation of air transportation services with a departure or arrival point in Canada or the United States unless the air carrier holds the licences and approvals necessary to provide the services and complies with the requirements prescribed by the competent authorities of the jurisdictions concerned.”.

11. The following paragraphs are added at the end of section 14.1:

“For the purposes of this section, the total cost of the services may or may not include the Québec sales tax, the goods and services tax of Canada or the amount payable as a contribution to the Fonds d’indemnisation des clients des agents de voyages.

The advertising must indicate whether or not those taxes and that amount are included. If they are not included, the advertising must state the fund contribution rate in dollars. In written advertising, those particulars must appear in Helvetica typeface of at least 12 points.”.

12. Section 15 is amended

(1) by replacing paragraph *a* by the following:

“(a) a listing of the transportation, accommodation and food services included in the trip, the name of the scheduled air carrier at the time of publication and the duration of the trip; and”;

(2) by striking out paragraph *c*;

(3) by adding the following paragraph at the end:

“Prices advertised in a brochure may not be increased during the period of 60 days after their publication, unless the increase results from an increase in taxes, royalties or charges authorized by a competent public authority. Mention to that effect must appear on the front page in bold Helvetica typeface of at least 12 points on a contrasting background.”

13. Section 16 is replaced by the following :

“**16.** A travel agent must inform customers in writing of the conditions for reimbursement or non-reimbursement of the sums required before accepting a deposit, unless those conditions are stated in a brochure given to the customer.

Despite the foregoing, the conditions may be communicated orally if the services are requested less than seven days before they are provided and otherwise than in the presence of a travel agent or a representative of the travel agent.”

14. Section 18 is amended

(1) by inserting “retail” before “travel” in paragraph 1 ;

(2) by adding the following after subparagraph *f* of paragraph 2 :

“(g) the amount of the contribution to the Fonds d’indemnisation des clients des agents de voyages.”

15. Section 22 is amended

(1) by replacing “on behalf of” in the first paragraph by “on account of” and by adding “or until he remits them in accordance with section 42” at the end ;

(2) by inserting the following paragraph after the first paragraph :

“Despite the foregoing, a retail travel agent having no contract with a credit card issuer may send directly to the wholesale travel agent or to the service supplier a payment received from a customer by credit card.”

16. The following is inserted after section 22 :

“**22.1.** A travel agent must notify the president of the opening, closing and transfer of a trust account and provide the name and address of the financial institution and the account number.”

17. Section 24 is replaced by the following :

“**24.** Withdrawals from the trust account must be made by cheque.

Withdrawals may, however, be made by bank transfer if the transaction is evidenced by a writing indicating the date, the amount, the name of the recipient and the name and signature of the person who performed the transaction.

The withdrawal must be in favour of the travel agent in the cases referred to in subparagraphs *c* and *e* of the second paragraph of section 23.”

18. Section 27 is replaced by the following :

“**27.** Banking transactions affecting the trust account must be performed by the licensee. The licensee may, however, authorize in writing an officer or a member of the travel agent’s staff to perform the transactions, alone or jointly.”

19. The following is inserted after section 27 :

“**27.1.** A travel agent must, within 30 days of the end of each half year of the travel agent’s fiscal year, send the president a statement of the status of the trust account signed by the licensee or another officer, along with the last monthly statement issued by the financial institution.

The status statement must show

(a) the sums received from customers for services to be rendered ;

(b) the amounts paid to suppliers on account of customers ; and

(c) the balance on the last monthly statement and the deposits and withdrawals outstanding on the date of the statement.”

20. The title of Division X is replaced by the following :

“INDIVIDUAL SECURITY AND INDEMNITY FUND”.

21. Section 28 is amended

(1) by replacing “The securities provided for in Division XI and XII are” in the part preceding subparagraph *a* by “The individual security under Division XI is” ;

(2) by replacing “exemplary” in subparagraph *a* of the first paragraph by “punitive” ;

(3) by replacing “Those securities are” in the second paragraph by “The security is” ;

(4) by adding the following paragraph at the end:

“If the individual security is not sufficient to indemnify or reimburse a customer or to pay the administrative expenses and provisional administrator’s fees, a claim may be made against the Fonds d’indemnisation des clients des agents de voyage provided for in Division XII.”

22. Section 29 is amended

(1) by replacing “\$10,000” and “\$35,000” in subparagraph *a* of paragraph 1 by “\$20,000” and “\$50,000”;

(2) by replacing the tables in subparagraph *b* of paragraph 1 by the following:

RETAILERS					
SECURITY					
Turnover (\$ millions)	2nd year (\$)	3rd year (\$)	4th year (\$)	5th year (\$)	6th year and up (\$)
Up to 0.25 M	10,000	10,000	10,000	10,000	10,000
Up to 0.5 M	15,000	15,000	15,000	15,000	15,000
Up to 1 M	20,000	15,000	15,000	15,000	15,000
Up to 2 M	35,000	30,000	25,000	20,000	20,000
Up to 3 M	55,000	45,000	40,000	30,000	30,000
Up to 4 M	70,000	60,000	50,000	40,000	35,000
Up to 5 M	90,000	75,000	65,000	50,000	45,000
Up to 6 M	105,000	90,000	75,000	60,000	55,000
Up to 7 M	125,000	105,000	90,000	70,000	65,000
Up to 8 M	130,000	110,000	95,000	75,000	65,000
Up to 9 M	135,000	115,000	100,000	80,000	70,000
Up to 10 M	150,000	130,000	110,000	85,000	75,000
Up to 11 M	150,000	145,000	120,000	95,000	85,000
Up to 12 M	150,000	150,000	130,000	105,000	90,000
Up to 13 M	150,000	150,000	140,000	110,000	95,000
Up to 14 M	150,000	150,000	150,000	115,000	100,000
Up to 15 M	150,000	150,000	150,000	120,000	105,000
Up to 16 M	150,000	150,000	150,000	125,000	110,000
Up to 17 M	150,000	150,000	150,000	130,000	115,000
Up to 18 M	150,000	150,000	150,000	135,000	120,000
Up to 19 M	150,000	150,000	150,000	145,000	125,000
Up to 20 M	150,000	150,000	150,000	150,000	135,000
20 M and over	150,000	150,000	150,000	150,000	150,000

WHOLESALEERS					
SECURITY					
Turnover (\$ millions)	2nd year (\$)	3rd year (\$)	4th year (\$)	5th year (\$)	6th year and up (\$)
Up to .25 M	35,000	35,000	35,000	35,000	35,000
Up to 0.5 M	50,000	50,000	50,000	50,000	50,000
Up to 1 M	50,000	50,000	50,000	50,000	50,000
Up to 2 M	70,000	60,000	50,000	50,000	50,000
Up to 3 M	105,000	90,000	75,000	60,000	55,000
Up to 4 M	140,000	120,000	100,000	80,000	70,000
Up to 5 M	175,000	150,000	125,000	100,000	90,000
Up to 6 M	210,000	180,000	150,000	120,000	105,000
Up to 7 M	225,000	210,000	175,000	140,000	125,000
Up to 8 M	225,000	210,000	185,000	150,000	130,000
Up to 9 M	225,000	225,000	200,000	160,000	140,000
Up to 10 M	225,000	225,000	220,000	175,000	155,000
Up to 11 M	225,000	225,000	225,000	195,000	170,000
Up to 12 M	225,000	225,000	225,000	210,000	185,000
Up to 13 M	225,000	225,000	225,000	225,000	200,000
Up to 14 M	225,000	225,000	225,000	225,000	215,000
14 M and over	225,000	225,000	225,000	225,000	225,000

(3) by inserting the following after paragraph 1:

“(1.1) Where a travel agent provides services to persons domiciled outside Québec through a travel enterprise outside Québec, the amount of the security is the greater of \$20,000 and the amount under subparagraph *b* of paragraph 1 after the amount of the sums collected from those persons is subtracted from the turnover; those sums must be shown in the financial statements required under section 6.”.

23. The following is inserted after section 35:

“**35.1.** Where recourse to the security is necessary, the president shall notify the surety and declare the security payable where it is provided in the form of a security contract or realize on the security provided in any other form.”.

24. Division XII is replaced by the following:

**“DIVISION XII
INDEMNITY FUND**

37. The Fonds d’indemnisation des clients des agents de voyages is hereby established to guarantee the indemnification or reimbursement of customers of a travel agent required to contribute to the fund, if the travel agent’s individual security is insufficient or in the case provided for in the third paragraph of section 36 of the Act.

The fund also guarantees the payment of the administrative expenses and provisional administrator’s fees if there is no individual security or if it is insufficient.

38. The fund shall be made up of

(a) the contributions paid by customers;

(b) the contributions paid by wholesale travel agents for advances made to their collective security fund before (*insert the date of coming into force of this Regulation*);

(c) the sums recovered by the president by way of subrogation to the position of customers who received indemnities from the fund;

(d) the growth of the fund's assets; and

(e) the advances that the Minister may make to the fund as provided in section 41.1 of the Act.

39. The customers of retail travel agents in Québec are required to contribute to the fund.

The amount of that contribution is 0.35% of the total cost of the travel services purchased.

The contribution shall be collected by the retail travel agent.

40. A travel agent must, within 30 days of the end of each quarter, remit the contributions to the president, less management expenses equal to 10% of the contributions collected between (*insert the date of coming into force of this Regulation*) and (*insert the date occurring one year after the coming into force of this Regulation*) and 3% thereafter.

The travel agent shall determine the fiscal quarter and notify the president thereof.

The remittance must be accompanied by a report signed by the licensee or another officer showing

(a) the amount of the sales subject to the contribution;

(b) the total of the contributions collected; and

(c) the amount remitted.

41. Wholesale travel agents are required to contribute to the Fonds d'indemnisation des agents de voyages for the reimbursement of the advance made by the president to the collective security fund of wholesale travel agents on 2 December 2002.

The amount of that contribution is 0.16% of the total cost of the travel services sold through a retail travel agent in Québec.

The contribution is payable until the advance and related interest are reimbursed.

42. A wholesale travel agent must remit the contribution to the president within 30 days of the end of each quarter.

The travel agent shall determine the fiscal quarter and notify the president thereof.

The remittance must be accompanied by a report showing the amount of the services sold subject to the contribution and the amount remitted and whose accuracy is certified in a sworn statement by the licensee or another officer.

43. The president shall be the manager of the sums making up the Fonds d'indemnisation des clients des agents de voyages.

The president shall hold those sums in trust.

The sums must be deposited with the financial institution chosen by the president and may be invested in accordance with the rules pertaining to investments presumed sound set out in the Civil Code of Québec.

The sums may also be deposited with the Caisse de dépôt et placement du Québec according to the terms and conditions determined by the president and the Caisse.

43.1. Fund management expenses are chargeable to the fund.

43.2. The president shall pay out of the fund

(a) the sums necessary for the indemnification, excluding moral damages, or reimbursement of a customer of a travel agent in the cases referred to in subparagraphs *a* and *b* of the first paragraph of section 28;

(b) the sums paid by a customer for travel services purchased from a travel agent where the obligations of a service supplier are not fulfilled in the case provided for in the third paragraph of section 36 of the Act;

(c) the sums necessary for the immediate departure or repatriation of a customer, instead of a reimbursement of the amounts paid;

(d) the sums reimbursed by a travel agent to customers required to contribute to the fund because of the non-fulfilment of a service supplier's obligations in the case provided for in the third paragraph of section 36 of the Act;

(e) the administrative expenses and provisional administrator's fees; and

(f) advances made by the Minister of Finance.

The president shall reimburse himself or herself, out of the contributions referred to in section 41, for the advance made to the collective security fund of travel agents on 2 December 2002.

43.3. The amount of the indemnity may not exceed \$3,000 per person per trip and \$3,000,000 per event.

43.4. At the end of each six-month period following an event giving rise to a claim against the fund, the president shall reimburse the claims received in the preceding six months. If the amount of the claims at the end of a six-month period exceeds the amount of sums available for the reimbursement, the president shall reimburse the claims on a pro rata basis.

43.5. The president is automatically subrogated to the rights of a customer against a travel agent or a service supplier for the sums paid by the fund.

A customer of a travel agent is not entitled to be indemnified by the fund if the customer is otherwise reimbursed for the damages incurred. However, if the reimbursement is lower than the reimbursement under the fund, the customer may claim the difference from the fund.”

25. Division XIII is deleted.

26. The following is added after section 45:

“DIVISION XV PENAL

46. Every person who contravenes section 22, 23, 24, 25, 26 or 27 commits an offence against section 33 of the Act and is liable to the fine under section 39 of the Act.

47. Every person who contravenes section 12, 13, 14, 14.1, 15, 16, 17, 18, 19, 20, 22.1, 27.1, 34, 35 or 41 commits an offence and is liable to the fine under section 40 of the Act.

DIVISION XVI ADVISORY COMMITTEE

48. The Comité consultatif des agents de voyages is hereby established.

49. The committee shall be composed of the president of the Office de la protection du consommateur and eight members appointed by the Minister.

Four members shall be appointed after consultation with representatives of the travel sector, two after consultation with consumer representatives and two to represent the Administration.

50. The term of the members, excluding the president, may not exceed three years; however, three of the first members of the committee shall be appointed for three years, three for two years and two for one year.

The term of a member may be renewed consecutively only once. At the end of their terms, the members shall remain in office until replaced or re-appointed.

51. Any vacancy during a term must be filled in accordance with the rules of appointment set out in section 49 for the unexpired portion of the term.

52. The members of the committee, other than those representing the Administration, are entitled, to the extent provided by regulation of the Government and on presentation of vouchers, to be reimbursed for expenses incurred to attend meetings of the committee.

53. The president shall chair the committee.

The president may designate a person to act as substitute chair.

The president shall also designate a member of the staff to act as secretary of the committee.

54. A majority of the members constitutes a quorum and the president has a casting vote in the case of a tie-vote.

The committee may adopt an internal by-law. The by-law may provide that absence from a specific number of meetings constitutes a vacancy in the cases and circumstances specified in the by-law.

55. The committee shall meet at least three times a year, at the call of the president.

The president shall also hold a meeting of the committee at the request of the Minister or of at least three members of the committee.

56. The function of the committee is to advise the Minister on all issues concerning the activities of travel agents.

The committee must also advise the Minister on any matter referred to it by the Minister relating to the activities of travel agents.

57. The committee shall report to the Minister on its activities for the preceding year no later than 31 March of each year.”

27. The Schedule is replaced by the following :

See attached document

28. The assets and liabilities of the collective security funds of travel agents shall be transferred to the Fonds d’indemnisation des clients des agents de voyages on (*insert the date of coming into force of this Regulation*).

A travel agent may, however, two years after ceasing activities as a travel agent and on written notice to the president or, in the case of a retail travel agent, no later than (*insert the date occurring five years after the coming into force of this Regulation*) and, in the case of a wholesale travel agent, no later than the date of final reimbursement of the advance made by the president to the collective security fund on 2 December 2002, be reimbursed for the basic contribution to the collective security fund of travel agents, provided that

(1) the travel agent has not been the cause of a supplemental contribution ;

(2) any supplemental contribution requested by the president for a claim that was the subject of a final judgment relating to the period during which the activities as a travel agent were carried on has been made by the travel agent to the collective security fund of the class concerned ; and

(3) in the case of a wholesale travel agent, payment of the contribution referred to in section 41 of the Regulation has also been made to the Fonds d’indemnisation des clients des agents de voyages.

However, even if those conditions are met, a travel agent that was the cause of the payment of one or more claims by the fund to which the travel agent has contributed is entitled to a reimbursement only of the amount by which the basic contribution to the fund exceeds the payment of which the travel agent was the cause.

Any contribution that is not claimed or reimbursed remains the property of the fund.

29. The new amounts of individual security for travel agents introduced by section 22 of this Regulation apply to existing licensees upon renewal of their licence.

30. Claims filed with the president before (*insert the date of coming into force of this Regulation*) shall be paid out of the Fonds d’indemnisation des clients des agents de voyages. Despite the foregoing, the exclusion of moral damages under section 43.2 and the maximum amounts set out in section 43.3 introduced by section 24 of this Regulation do not apply to such claims.

31. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.



APPLICATION FOR A TRAVEL AGENT'S LICENCE

Form LAV-1

FOR OFFICE USE ONLY

LICENCE NO.

MERCHANT NO.

Section 1 – Type of application and class of licence

1.1 TYPE OF APPLICATION (Check the appropriate box)

First application Renewal
 Transfer: Death Resignation Other _____

1.2 THIS APPLICATION IS MADE BY:

Retailer Wholesaler Carrier, specify the category: Air Water Road Railway

1.3 DOES THE TRAVEL AGENT ON WHOSE BEHALF THIS APPLICATION IS MADE ALSO CARRY ON BUSINESS AS:

Retailer / Licence No.: _____ Wholesaler / Licence No.: _____ Carrier / Licence No.: _____

Section 2 – Personal identification of applicant (Natural person)

2.1 LAST NAME, FIRST NAME AND PERSONAL ADDRESS

Ms. Mr.
 Last name: _____
 First name: _____
 Street No. and name: _____
 City: _____
 Province: _____ Postal code: _____
 Telephone: _____

2.2 DATE OF BIRTH: Y ____ M ____ D ____

2.3 MAILING ADDRESS, IF DIFFERENT

Last name: _____
 First name: _____
 Street No. and name: _____
 City: _____
 Province: _____ Postal code: _____
 Language: French English

Section 3 – Legal registration of merchant (IGFI) (Sole proprietorship, partnership or legal person)

3.1 NAME AND ADDRESS AS REGISTERED WITH THE INSPECTOR GENERAL OF FINANCIAL INSTITUTIONS (IGFI)

Name of legal entity: _____
 Address: _____
 Street No. and name: _____
 City: _____
 Province: _____ Postal code: _____
 Telephone: _____ Fax: _____
 E-mail: _____

3.2 NAME AND ADDRESS OF PRINCIPAL ESTABLISHMENT IN QUÉBEC FOR WHICH A LICENCE IS APPLIED FOR (if different from 3.1)

Name of legal entity: _____
 Address of principal establishment in Québec: _____
 Street No. and name: _____
 City: _____
 Province: _____ Postal code: _____
 Telephone: _____ Fax: _____

3.3 STATE ANY OTHER NAME(S) USED IN QUÉBEC (Attach registration copies)

CHECK THE NAME(S) THAT MUST APPEAR ON YOUR LICENCE:

-
-
-
-
-

3.4 DATE OF THE BEGINNING OF COMMERCIAL ACTIVITIES IN QUÉBEC Y ____ M ____ D ____

3.5 NUMBER OF ESTABLISHMENTS IN QUÉBEC, OTHER THAN THE PRINCIPAL ESTABLISHMENT, COVERED BY THE LICENCE: Fill out and attach Schedule A.

3.6 TYPE OF ENTERPRISE (CHECK THE APPROPRIATE BOX)

SOLE PROPRIETORSHIP PARTNERSHIP LEGAL PERSON (COMPANY) ASSOCIATION

3.7 REGISTRATION

Date: Y ____ M ____ D ____ Registration number: _____
 Attachments (Attach a copy of the declaration of registration provided by the IGFI and any amending declarations.)

3.8 CONSTITUTING ACT (CHARTER) Federal Provincial Other _____

Attachments (Attach a copy of the constituting act and any amending documents.)

3.9 NAME AND ADDRESS OF OFFICERS AND SILENT PARTNERS OF THE ENTERPRISE

Fill out and attach Schedule B.

Section 4 – Application of the Act			
4.1	A) Has the applicant, association, partnership or person on whose behalf the licence is applied for, an officer or a silent partner of the association, partnership or person on whose behalf the licence is applied for:	Yes	No
	▪ performed the operations of a travel agent and become bankrupt in the course of the five preceding years?	<input type="checkbox"/>	<input type="checkbox"/>
	▪ been found guilty of an offence under the <i>Travel Agents Act</i> or of fraud, forgery or fraudulent operations in any contractual or commercial matter?	<input type="checkbox"/>	<input type="checkbox"/>
	B) Has the applicant, an officer or a silent partner of the association, partnership or person on whose behalf the licence is applied for been an officer or silent partner of an association, partnership or person that has performed the operations of a travel agent and		
	▪ become bankrupt in the course of the five preceding years?	<input type="checkbox"/>	<input type="checkbox"/>
	▪ been found guilty of an offence under the <i>Travel Agents Act</i> or of fraud, forgery or fraudulent operations in any contractual or commercial matter?	<input type="checkbox"/>	<input type="checkbox"/>
	▪ been the cause of the payment of a claim out of a collective security fund or out of the Fonds d'indemnisation des clients des agents de voyages and not reimbursed the fund?	<input type="checkbox"/>	<input type="checkbox"/>
4.2 If the answer to any of the above questions is "Yes", please state the name of the person, the nature of the offence, the date of the judgment, the file number and any other relevant information on a separate sheet.			

Section 5 – Security and fees	
COST OF LICENCE	
5.1 FEES:	\$ <input type="text"/>
5.2 FORM OF PAYMENT:	
Cash <input type="checkbox"/> Cheque <input type="checkbox"/> Money order <input type="checkbox"/> Bank draft <input type="checkbox"/>	
<i>(Enclose a cheque payable to the Minister of Finance bearing the same date as the application date.)</i>	
INDIVIDUAL SECURITY	
5.3 TYPE OF SECURITY AND AMOUNT PROVIDED:	
<i>(Check the applicable box(es).)</i>	
Individual guarantee bond <input type="checkbox"/>	Amount: \$ <input type="text"/>
Cheque <input type="checkbox"/>	Amount: \$ <input type="text"/>
Bond <input type="checkbox"/>	Amount: \$ <input type="text"/>
Cash <input type="checkbox"/>	Amount: \$ <input type="text"/>
5.4 INDIVIDUAL GUARANTEE BOND NUMBER:	<input type="text"/>
5.5 NAME OF THE SURETY PROVIDING THE SECURITY: _____	
Attach the original of the security bond.	
Note: Your security bond must bear the same name(s) and address(es) as your declaration of registration with the Inspector General of Financial Institutions.	

Section 6 – Financial information	
6.1 FISCAL YEAR END	M ____ D ____
6.2 DECLARATION OF A TRUST ACCOUNT	Fill out and attach Schedule C.
6.3 DESIGNATION OF A PERSON AUTHORIZED TO PERFORM BANKING TRANSACTIONS AFFECTING THE TRUST ACCOUNT	
Optional: Fill out and attach Schedule C-1, if necessary.	

Section 7 – Personal information concerning the licence applicant	
7.1	ARE YOU A CANADIAN CITIZEN OR PERMANENT RESIDENT WITHIN THE MEANING OF THE <i>IMMIGRATION AND REFUGEE PROTECTION ACT</i> ? Yes <input type="checkbox"/> No <input type="checkbox"/>
ACTIVITIES OF A TRAVEL AGENT	
7.2	HAS THE APPLICANT EVER HELD A TRAVEL AGENT'S LICENCE IN QUÉBEC? Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, enter the name of the agency and the licence number and continue with 7.4:	
Licence number:	Name of travel agency:
If no, have you carried on the activities of a travel agent on a permanent full-time basis for at least two years?	
A) On your own account	Yes <input type="checkbox"/> No <input type="checkbox"/>
B) On the account of other travel agents?	Yes <input type="checkbox"/> No <input type="checkbox"/>
7.3	APPLICANT'S EXPERIENCE Fill out Schedule D and attach supporting documents.
7.4	DO YOU HAVE FINANCIAL OR OTHER INTERESTS WITH A TRAVEL AGENT OTHER THAN THE AGENT FOR WHOM THIS APPLICATION IS MADE? Yes <input type="checkbox"/> No <input type="checkbox"/>
If yes, what is your position? _____	
Specify the name(s) of the travel agent(s) _____	
7.5	DO YOU INTEND TO EXERCISE THE PROFESSION OF TRAVEL AGENT ON A PERMANENT, FULL-TIME BASIS AT THE PRINCIPAL ESTABLISHMENT OF THE AGENCY? Yes <input type="checkbox"/> No <input type="checkbox"/>

Section 8 – Certification	
I _____ (Block letters)	
certify that the information in this application and in any attached documents is true and complete.	
Signed at _____, this _____ day of _____ 20 ____.	
_____	_____
Applicant's Signature	Position
The applicant agrees to notify the president in writing and without delay of any change in the above information while the licence is valid.	

The applicant acknowledges that to obtain the security necessary for the issue of a licence, the surety will be bound with the applicant's express consent within the meaning of the first paragraph of article 2356 of the Civil Code of Québec, even if the applicant does not sign the security.

Any person who makes a false declaration in an application for a licence or for the renewal of a licence commits an offence.



Schedule C

DECLARATION OF THE OPENING OF A TRAVEL AGENT'S TRUST ACCOUNT

- Every trust account must be opened and maintained in Québec.
- There must be a separate account for each currency and a separate opening declaration for each trust account.
- A new authorization must be provided whenever a person authorized to perform banking transactions affecting a trust account or a co-signer is replaced, added or removed.
- The travel agent must inform the Office de la protection du consommateur of the opening, closing and transfer of a trust account and provide the Office with the name and address of the financial institution and the account number.

Legal registration of merchant

Name of legal entity: _____

Address of principal establishment: _____

City and province: _____ Postal code: _____

Telephone: _____ Fax: _____

Other names (declared to the IGFI): _____

Identification of trust account described in the opening declaration

Account number: _____ Currency: _____

Name of financial institution: _____

Branch number: _____

Address: _____

City and province: _____ Postal code: _____

Telephone: _____ Fax: _____

Persons authorized to perform banking transactions affecting the trust account

1. Licensee

Last name: _____ First name(s): _____

(Block letters) (Block letters)

Signature of licensee (mandatory): _____

2. Other authorized person or **Co-signer**

Last name: _____ First name(s): _____

(Block letters) (Block letters)

Signature of authorized person or co-signer: _____

3. Other authorized person or **Co-signer**

Last name: _____ First name(s): _____

(Block letters) (Block letters)

Signature of authorized person or co-signer: _____

Certification of financial institution

I have read the particulars and information above and I hereby certify their authenticity on behalf of the financial institution.

Last name: _____ First name(s): _____

(Block letters) (Block letters)

Position: _____

Signature: _____ Date: _____

The institution must affix its seal or other proof of certification on the copy to be sent to the Office de la protection du consommateur. The institution must also keep a copy.



Schedule C-1

AUTHORIZATION TO PERFORM BANKING TRANSACTIONS AFFECTING THE TRUST ACCOUNT IN THE NAME OF THE HOLDER OF A TRAVEL AGENT'S LICENCE

- A new authorization must be provided to the Office de la protection du consommateur whenever a person authorized to perform banking transactions affecting a trust account is replaced, added or removed.

Identification of the authorized person	
Last name: _____ <small>(Block letters)</small>	First name(s): _____ <small>(Block letters)</small>
Personal address: _____	
City and province: _____	Postal code: _____
Telephone: _____	Fax: _____
Signature of the authorized person: _____	

I, the undersigned, _____, holder of licence No. _____ of the travel agency _____, declare that I have read section 27 of the Regulation respecting travel agents (R.R.Q., c. A-10, r.1) and authorize the person identified below to perform banking transactions affecting the trust account for and on my behalf, as of _____ until _____.

Signature of licence holder Date

Identification of trust account covered by the authorization	
Account number: _____	Currency: _____
Name of financial institution: _____	
Branch No.: _____	
Address: _____	
City and province: _____	Postal code: _____
Telephone: _____	Fax: _____

Certification of financial institution	
I have read the particulars and information above and I hereby certify their authenticity on behalf of the financial institution.	
Last name: _____ <small>(Block letters)</small>	First name(s): _____ <small>(Block letters)</small>
Position: _____	
Signature: _____	Date: _____

The institution must affix its seal or other proof of certification on the copy to be sent to the Office de la protection du consommateur. The institution must also keep a copy.



Schedule D

APPLICANT FOR A TRAVEL AGENT'S LICENCE

An applicant who has never held a travel agent's licence must complete this document, starting with the most recent employment, to demonstrate that he or she meets the requirements of the Regulation. The applicant may use more than one sheet if needed. The applicant must provide proof of his or her experience.

Identification of applicant:

Name and address of the applicant for a travel agent's licence:

Last name: _____ First name: _____

Street No. and name: _____

City: _____

Province: _____ Postal code: _____

Telephone: _____ Fax: _____

Employment experience:

From:	Year	Month	to:	Year	Month	Name of employer:

Employment or title:

Paid employment <input type="checkbox"/>	Full-time <input type="checkbox"/>	Part-time <input type="checkbox"/>	Commission <input type="checkbox"/>	In the case of part-time employment, specify the number of hours worked per week. _____
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Main duties:

Attachments

Employment experience:

From:	Year	Month	to:	An	Month	Name of employer:

Employment or title:

Paid employment <input type="checkbox"/>	Full-time <input type="checkbox"/>	Part-time <input type="checkbox"/>	Commission <input type="checkbox"/>	In the case of part-time employment, specify the number of hours worked per week. _____
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Main duties:

Attachments

Employment experience:

From:	Year	Month	to:	Year	Month	Name of employer:

Employment or title:

Paid employment <input type="checkbox"/>	Full-time <input type="checkbox"/>	Part-time <input type="checkbox"/>	Commission <input type="checkbox"/>	In the case of part-time employment, specify the number of hours worked per week. _____
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Main duties:

Attachments