

Gouvernement du Québec

**O.C. 962-2004, 15 October 2004**

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

**Travel agents  
— Amendments**

Regulation to amend the Regulation respecting travel agents

WHEREAS, under subparagraphs *b*, *c*, *c.1*, *e*, *g*, *h*, *i*, *l*, *m* and *p* of the first paragraph of section 36 of the Travel Agents Act (R.S.Q., c. A-10), the Government may make regulations governing the activities of travel agents;

WHEREAS the Government made the Regulation respecting travel agents (R.R.Q., 1981, c. A-10, r.1);

WHEREAS it is expedient to amend the Regulation to give effect to the new regulatory powers introduced in December 2002 to update the provisions applicable to travel agents, in particular by establishing an indemnity fund for the customers of travel agents and by setting up an advisory committee for travel agents;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 12 May 2004, with a notice that the Regulation could be made by the Government on the expiry of 45 days following that publication;

WHEREAS comments have been made since the publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Relations with the Citizens and Immigration:

THAT the Regulation to amend the Regulation respecting travel agents, attached to this Order in Council, be made.

ANDRÉ DICAIRE,  
*Clerk of the Conseil exécutif*

**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*)

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“For the purposes of subparagraph *f* of the first paragraph, an applicant is deemed to have withdrawn an application if the requested additional information is not provided within three months after receiving a notice to that effect.”.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

\* 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.

“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) in subparagraph *ii* of paragraph *b*, by replacing “on behalf of a legal person” by “on account of a person”, by replacing “partnership or legal person” by “partnership or person”, and by replacing “manager, director, administrator, partner” by “officer”;

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

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

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

(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) in subparagraph *ii* of paragraph *c.1*, by striking out the word “legal” wherever it appears and by replacing the words “manager, director, administrator, partner” wherever they appear by “officer”;

(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*;

(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 for 60 days after their publication, unless the increase results from an increase in taxes, royalties or charges authorized by a competent public authority. The validity period of the advertised prices and a reference to the page in the brochure stating the cases in which an increase is possible during the period must appear on the front page in bold Helvetica typeface of at least 12 points on a contrasting background. The text stating the cases in which an increase is possible must also appear 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 40” 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, within seven days of the event, 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              |                  |                  |                  |                  |                         |
|------------------------|------------------|------------------|------------------|------------------|-------------------------|
| Turnover (\$ millions) | Security         |                  |                  |                  |                         |
|                        | 2nd year<br>(\$) | 3rd year<br>(\$) | 4th year<br>(\$) | 5th year<br>(\$) | 6th year<br>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           |               |               |               |               |                      |
|------------------------|---------------|---------------|---------------|---------------|----------------------|
| Turnover (\$ millions) | Security      |               |               |               |                      |
|                        | 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 the customers of retail travel agents in Québec;

(b) the contributions paid by wholesale travel agents for travel services sold through a retail travel agent in Québec to reimburse the advances paid into their collective security fund before 11 November 2004;

(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 11 November 2004 and 11 November 2005 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 clients 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, 40 or 42 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, on the conditions and to the extent determined by the Government, 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 11 November 2004.

However, no later than 11 November 2009, the president shall reimburse, in one or more instalments, every travel agent still carrying on activities for the amount of the travel agent's basic contribution to the collective security fund to which the travel agent has contributed, 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;

(3) in the case of a wholesale travel agent, payment of the contribution referred to in section 41 of the Regulation has been made by the travel agent 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.

Despite the time limit set out in the second paragraph, a wholesale travel agent may not be reimbursed before the date of final reimbursement for the advance paid by the president into the collective security fund on 2 December 2002.

Similarly, despite the time limit set out in the second paragraph, a travel agent may, on written notice to the president, be reimbursed for the basic contribution two years after ceasing activities as a travel agent.

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 11 November 2004 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 11 November 2004.



**Application for a Travel Agent's Licence**

| <b>Section 1. Type of application and class of licence</b>  |  |
|---|--|
| <b>1.1 TYPE OF APPLICATION</b>  |  |
| First application <input type="checkbox"/> Renewal <input type="checkbox"/><br>Transfer:    Death <input type="checkbox"/> Resignation <input type="checkbox"/> Other <input type="checkbox"/> _____                                  |  |
| <b>1.2 THIS APPLICATION IS MADE BY:</b>   |  |
| Retailer <input type="checkbox"/> Wholesaler <input type="checkbox"/> Carrier, specify the category:    Air <input type="checkbox"/> Water <input type="checkbox"/> Road <input type="checkbox"/> Railway <input type="checkbox"/>    |  |
| <b>1.3 DOES THE TRAVEL AGENT ON WHOSE BEHALF THIS APPLICATION IS MADE ALSO CARRY ON BUSINESS AS:</b>  |  |
| Retailer / Licence No.: _____      Wholesaler / Licence No.: _____      Carrier / Licence No.: _____  |  |
| <b>Section 2. Personal identification of applicant (Natural person)</b>   |  |
| <b>2.1 LAST NAME, FIRST NAME AND PERSONAL ADDRESS</b>   |  |
| <b>2.3</b> Mr. <input type="checkbox"/>   |  |
| Last name: _____<br>First name: _____<br>Street No. and name: _____<br>City: _____<br>Province: _____      Postal code: _____<br>Telephone: _____   | DATE OF BIRTH:    Y ____ M ____ D ____<br><b>MAILING ADDRESS, IF DIFFERENT</b><br>Last name: _____<br>First name: _____<br>Street No. and name: _____<br>City: _____<br>Province: _____      Postal code: _____<br>Language:    French <input type="checkbox"/> English <input type="checkbox"/> |
| <b>Section 3. Legal registration of merchant (Enterprise Registrar) (Sole proprietorship, partnership or legal person)</b>  |  |
| <b>3.1 NAME AND ADDRESS AS REGISTERED WITH THE ENTERPRISE REGISTRAR (ER)</b>  |  |
| Name of legal entity: _____   |  |
| Address: _____  |  |
| Street No. and name: _____  |  |
| City: _____   |  |
| Province: _____      Postal code: _____   |  |
| Telephone: _____      Fax: _____  |  |
| E-mail: _____   |  |
| <b>3.3 STATE ANY OTHER NAME(S) USED IN QUÉBEC AND THAT MUST APPEAR ON YOUR LICENCE: (Attach registration copies)</b>  |  |
| _____<br>_____<br>_____   |  |
| <b>3.4 DATE OF THE BEGINNING OF COMMERCIAL ACTIVITIES IN QUÉBEC</b> Y ____ M ____ D ____  |  |
| <b>3.5 NUMBER OF ESTABLISHMENTS IN QUÉBEC, OTHER THAN THE PRINCIPAL ESTABLISHMENT, COVERED BY THE LICENCE: (Fill out and attach Schedule A for the other establishments.)</b> <input style="width: 50px; height: 20px;" type="text"/> |  |
| <b>3.6 TYPE OF ENTERPRISE</b>   |  |
| Sole proprietorship <input type="checkbox"/> Partnership <input type="checkbox"/> Legal person (company) <input type="checkbox"/> Association <input type="checkbox"/>  |  |
| <b>3.7 REGISTRATION</b>   |  |
| Date:    Y ____ M ____ D ____      Registration number: _____   |  |
| Attachments <input type="checkbox"/> (Attach a copy of the declaration of registration provided by the enterprise registrar and any amending declarations.)   |  |
| <b>3.8 CONSTITUTING ACT (CHARTER)</b>   |  |
| Federal <input type="checkbox"/> Provincial <input type="checkbox"/> Other <input type="checkbox"/> : <input style="width: 100px; height: 20px;" type="text"/>  |  |
| Attachments <input type="checkbox"/> (Attach a copy of the constituting act provided by the enterprise registrar and any amending documents.)   |  |
| <b>3.9 NAME AND ADDRESS OF OFFICERS AND SILENT PARTNERS OF THE ENTERPRISE</b>   |  |
| 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:

- performed the operations of a travel agent and become bankrupt in the course of the five preceding years? Yes  No
- been found guilty of an offence under the *Travel Agents Act* or of fraud, forgery or fraudulent operations in any contractual or commercial matter? Yes  No

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? Yes  No
- been found guilty of an offence under the *Travel Agents Act* or of fraud, forgery or fraudulent operations in any contractual or commercial matter? Yes  No
- 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? Yes  No

**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**

To calculate the fees and security to pay, the applicant must refer to Worksheet 1  
"Fees to pay and security to provide (licence)"

**COST OF LICENCE**

**5.1** FEES: \$

**5.2** FORM OF PAYMENT: Cash  Cheque  Money order  Bank draft   
(The cheque, money order or bank draft must be payable to the Minister of Finance.)

**INDIVIDUAL SECURITY**

**5.3** TYPE OF SECURITY AND AMOUNT PROVIDED:

Guarantee policy  Amount: \$  Cheque  Amount: \$

Bond  Amount: \$  Cash  Amount: \$

**5.4** IF THE INDIVIDUAL SECURITY IS PROVIDED IN THE FORM OF A GUARANTEE POLICY, PLEASE ENTER:

Guarantee policy number:

Name of the surety: \_\_\_\_\_

**Attach the original of the guarantee policy.**

**Note:** Your guarantee policy must bear the same name(s) and address(es) as your declaration of registration with the enterprise registrar.

**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 D, if necessary.

| <b>Section 7. Personal information concerning the licence applicant</b>  |   |
|--|---|
| <b>7.1</b>   | <b>ARE YOU A CANADIAN CITIZEN OR PERMANENT RESIDENT WITHIN THE MEANING OF THE IMMIGRATION AND REFUGEE PROTECTION ACT?</b> Yes <input type="checkbox"/> No <input type="checkbox"/>                    |
| <b>ACTIVITIES OF A TRAVEL AGENT</b>  |   |
| <b>7.2</b>   | <b>HAS THE APPLICANT EVER HELD A TRAVEL AGENT'S LICENCE IN QUÉBEC?</b> Yes <input type="checkbox"/> No <input type="checkbox"/>   |
| If yes, enter the name of the agency and the licence number:   |   |
| Licence number:  | <input type="text"/> 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"/>  |
| Fill out Schedule E and attach supporting documents.   |   |
| <b>7.3</b>   | <b>DO YOU HAVE FINANCIAL OR OTHER INTERESTS WITH A TRAVEL AGENT OTHER THAN THE AGENT FOR WHOM THIS APPLICATION IS MADE?</b> Yes <input type="checkbox"/> No <input type="checkbox"/>                  |
| If yes, what is your position? _____   |   |
| Specify the name of the travel agent _____   |   |
| <b>7.4</b>   | <b>DO YOU INTEND TO EXERCISE THE PROFESSION OF TRAVEL AGENT ON A PERMANENT FULL-TIME BASIS AT THE PRINCIPAL ESTABLISHMENT OF THE AGENCY?</b> Yes <input type="checkbox"/> No <input type="checkbox"/> |

| <b>Section 8. Certification</b>  |          |
|--|----------|
| I _____<br>(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 travel agent must, within seven days of the event, notify the president in writing of any:   |          |
| i. change of officer or silent partner;  |          |
| ii. change of person authorized to perform banking transactions affecting the trust account;   |          |
| iii. change of address of the principal establishment or any other establishment;  |          |
| iv. change of fiscal year end;   |          |
| v. change of the travel agent's name or any name under which the travel agent carries on business;   |          |
| vi. change in the opening, closing and transfer of a trust account and provide the name and address of the financial institution and the account number. |          |

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.**

| <b>Schedule A - Identification of establishments</b>  |                                    |                                    |                                    |
|---|------------------------------------|------------------------------------|------------------------------------|
| <b>LIST ALL THE OTHER ESTABLISHMENTS OF THE TRAVEL AGENT IN QUÉBEC FOR WHICH A LICENCE DUPLICATE IS REQUIRED.</b> |                                    |                                    |                                    |
| <small>(Attach an additional sheet if more space is required.)</small>  |                                    |                                    |                                    |
| Name: _____   | Name: _____                        | Name: _____                        | Name: _____                        |
| Street No. and name: _____  | Street No. and name: _____         | Street No. and name: _____         | Street No. and name: _____         |
| City: _____   | City: _____                        | City: _____                        | City: _____                        |
| Province: _____ Postal code: _____  | Province: _____ Postal code: _____ | Province: _____ Postal code: _____ | Province: _____ Postal code: _____ |
| Telephone: _____ Fax: _____   | Telephone: _____ Fax: _____        | Telephone: _____ Fax: _____        | Telephone: _____ Fax: _____        |
| Name: _____   | Name: _____                        | Name: _____                        | Name: _____                        |
| Street No. and name: _____  | Street No. and name: _____         | Street No. and name: _____         | Street No. and name: _____         |
| City: _____   | City: _____                        | City: _____                        | City: _____                        |
| Province: _____ Postal code: _____  | Province: _____ Postal code: _____ | Province: _____ Postal code: _____ | Province: _____ Postal code: _____ |
| Telephone: _____ Fax: _____   | Telephone: _____ Fax: _____        | Telephone: _____ Fax: _____        | Telephone: _____ Fax: _____        |
| Name: _____   | Name: _____                        | Name: _____                        | Name: _____                        |
| Street No. and name: _____  | Street No. and name: _____         | Street No. and name: _____         | Street No. and name: _____         |
| City: _____   | City: _____                        | City: _____                        | City: _____                        |
| Province: _____ Postal code: _____  | Province: _____ Postal code: _____ | Province: _____ Postal code: _____ | Province: _____ Postal code: _____ |
| Telephone: _____ Fax: _____   | Telephone: _____ Fax: _____        | Telephone: _____ Fax: _____        | Telephone: _____ Fax: _____        |

| <b>Schedule B - Identification of officers and silent partners</b>   |   |   |   |
|--|---|---|---|
| <b>LIST THE NAMES AND PERSONAL ADDRESSES OF THE OFFICERS AND SILENT PARTNERS OF THE ENTERPRISE.</b>  |   |   |   |
| <b>FOR AN ENTERPRISE LISTED ON A STOCK EXCHANGE, THE INFORMATION REGARDING SILENT PARTNERS APPLIES ONLY TO A SHAREHOLDER HOLDING 10% OR MORE OF THE VOTING SHARES.</b> |   |   |   |
| <small>(Attach an additional sheet if more space is required.)</small>   |   |   |   |
| Last name: _____   | Last name: _____                            | Last name: _____                            | Last name: _____                            |
| First name: _____  | First name: _____                           | First name: _____                           | First name: _____                           |
| Date of birth: _____ % Participation: _____  | Date of birth: _____ % Participation: _____ | Date of birth: _____ % Participation: _____ | Date of birth: _____ % Participation: _____ |
| Position in enterprise: _____  | Position in enterprise: _____               | Position in enterprise: _____               | Position in enterprise: _____               |
| Street No. and name: _____   | Street No. and name: _____                  | Street No. and name: _____                  | Street No. and name: _____                  |
| City: _____  | City: _____                                 | City: _____                                 | City: _____                                 |
| Province: _____ Postal code: _____   | Province: _____ Postal code: _____          | Province: _____ Postal code: _____          | Province: _____ Postal code: _____          |
| Telephone: _____ Fax: _____  | Telephone: _____ Fax: _____                 | Telephone: _____ Fax: _____                 | Telephone: _____ Fax: _____                 |
| Last name: _____   | Last name: _____                            | Last name: _____                            | Last name: _____                            |
| First name: _____  | First name: _____                           | First name: _____                           | First name: _____                           |
| Date of birth: _____ % Participation: _____  | Date of birth: _____ % Participation: _____ | Date of birth: _____ % Participation: _____ | Date of birth: _____ % Participation: _____ |
| Position in enterprise: _____  | Position in enterprise: _____               | Position in enterprise: _____               | Position in enterprise: _____               |
| Street No. and name: _____   | Street No. and name: _____                  | Street No. and name: _____                  | Street No. and name: _____                  |
| City: _____  | City: _____                                 | City: _____                                 | City: _____                                 |
| Province: _____ Postal code: _____   | Province: _____ Postal code: _____          | Province: _____ Postal code: _____          | Province: _____ Postal code: _____          |
| Telephone: _____ Fax: _____  | Telephone: _____ Fax: _____                 | Telephone: _____ Fax: _____                 | Telephone: _____ Fax: _____                 |
| Last name: _____   | Last name: _____                            | Last name: _____                            | Last name: _____                            |
| First name: _____  | First name: _____                           | First name: _____                           | First name: _____                           |
| Date of birth: _____ % Participation: _____  | Date of birth: _____ % Participation: _____ | Date of birth: _____ % Participation: _____ | Date of birth: _____ % Participation: _____ |
| Position in enterprise: _____  | Position in enterprise: _____               | Position in enterprise: _____               | Position in enterprise: _____               |
| Street No. and name: _____   | Street No. and name: _____                  | Street No. and name: _____                  | Street No. and name: _____                  |
| City: _____  | City: _____                                 | City: _____                                 | City: _____                                 |
| Province: _____ Postal code: _____   | Province: _____ Postal code: _____          | Province: _____ Postal code: _____          | Province: _____ Postal code: _____          |
| Telephone: _____ Fax: _____  | Telephone: _____ Fax: _____                 | Telephone: _____ Fax: _____                 | Telephone: _____ Fax: _____                 |

**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.
- A separate opening declaration must be made for each trust account.
- A new authorization must be provided whenever a person authorized to perform banking transactions affecting a trust account 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 enterprise registrar): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Identification of trust account described in the opening declaration**

Account number: \_\_\_\_\_ Currency: \_\_\_\_\_

Branch number: \_\_\_\_\_

Name of financial institution: \_\_\_\_\_

Address: \_\_\_\_\_

City and province: \_\_\_\_\_ Postal code: \_\_\_\_\_

Telephone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

**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 D – 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: _____<br>(Block letters)   | First name(s): _____<br>(Block letters) |
| Personal address: _____               |   |
| City and province: _____              | Postal code: _____                      |
| Telephone: _____                      | Fax: _____                              |
| Signature of 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., 1981, 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: _____    |
| Branch number: _____                 |                    |
| Name of financial institution: _____ |                    |
| 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: _____<br>(Block letters) | First name(s): _____<br>(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 E – 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 must provide proof of his or her experience.
- The applicant may use more than one sheet if needed.

**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: \_\_\_\_\_ to: \_\_\_\_\_ Name of employer: \_\_\_\_\_  
YEAR Month YEAR Month

Employment or title: \_\_\_\_\_

Paid employment  Full-time  Part-time  Commission  In the case of part-time employment, specify the number of hours worked per week. \_\_\_\_\_

Main duties: \_\_\_\_\_

Attachments

**Employment experience:**

From: \_\_\_\_\_ to: \_\_\_\_\_ Name of employer: \_\_\_\_\_  
YEAR Month YEAR Month

Employment or title: \_\_\_\_\_

Paid employment  Full-time  Part-time  Commission  In the case of part-time employment, specify the number of hours worked per week. \_\_\_\_\_

Main duties: \_\_\_\_\_

Attachments

**Employment experience:**

From: \_\_\_\_\_ to: \_\_\_\_\_ Name of employer: \_\_\_\_\_  
YEAR Month YEAR Month

Employment or title: \_\_\_\_\_

Paid employment  Full-time  Part-time  Commission  In the case of part-time employment, specify the number of hours worked per week. \_\_\_\_\_

Main duties: \_\_\_\_\_

Attachments