

Draft Regulations

Draft Regulation

Travel Agents Act
(chapter A-10)

Temporary measures relating to the Fonds d'indemnisation des clients des agents de voyages

Notice is hereby given, in accordance with section 10 of the Regulations Act (chapter R-18.1), that the Regulation respecting certain temporary measures relating to the Fonds d'indemnisation des clients des agents de voyages, appearing below, may be made by the Government on the expiry of 10 days following this publication.

Under sections 12 and 13 of the Regulations Act, the draft Regulation may be made in a shorter period than the 45 days provided for in section 11 of that Act, because the Government is of the opinion that the urgency due to the following circumstances justifies such coming into force:

—the draft Regulation must come into force quickly in order to fully reimburse or indemnify in the short term eligible customers of travel agents who have filed claims with the Fonds d'indemnisation des clients des agents de voyages since the beginning of the COVID-19 pandemic, ensure the sustainability of the fund, and continue being able to reimburse or indemnify customers of travel agents further to the pandemic event.

The draft Regulation increases to 75% of the surplus accumulated in the fund as of 31 March 2019 the total amount of the indemnities per event that may be paid out of the fund to customers who were affected by the pandemic until 31 December 2021.

The draft Regulation also suspends the application of the indemnification threshold that may be paid per event until 31 December 2023 and, after that date, until the surplus accumulated in the fund reaches \$50M.

Lastly, the draft Regulation sets the end of the COVID-19 pandemic event at 31 December 2021.

The draft Regulation creates no costs or savings for travel agents.

Further information on the draft Regulation may be obtained by contacting Johanne Renaud, attorney, Office de la protection du consommateur, Village olympique – 5199, rue Sherbrooke Est, bureau 3721, Montréal (Québec) HIT 3X2; fax: 514 864-2400; email: johanne.renaud@opc.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 10-day period to Marie-Claude Champoux, President, Office de la protection du consommateur, 400, boulevard Jean-Lesage, bureau 450, Québec (Québec) G1K 8W4; email: presidenceOPC@opc.gouv.qc.ca. The comments will be forwarded by the Office to the Minister of Justice.

SIMON JOLIN-BARRETTE
Minister of Justice

Regulation respecting certain temporary measures relating to the Fonds d'indemnisation des clients des agents de voyages

Travel Agents Act
(chapter A-10, s. 36, 1st par., subpar c.1)

1. Despite the first and second paragraphs of section 39 and section 39.01 of the Regulation respecting travel agents (chapter A-10, r. 1), the amount of the contribution of customers of travel agents to the Fonds d'indemnisation des clients des agents de voyages is, until 31 December 2023, 0.35% of all tourist services purchased.

2. Despite section 43.3 of the Regulation, the total amount of indemnities for the COVID-19 pandemic event may not exceed 75% of the surplus accumulated in the fund as of 31 March 2019.

The lower threshold of \$30M provided for in that section does not apply until 31 December 2023. In addition, after that date, the threshold does not apply until the surplus accumulated in the fund reaches \$50M.

The COVID-19 pandemic event is deemed to end on 31 December 2021.

Any fact giving rise to reimbursement or indemnification that occurs after 31 December 2021, even if it is attributable to the pandemic, is deemed, for reimbursement or indemnification purposes, to be part of another event.

3. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*, except section 1, which comes into force on 1 November 2021.

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