[Français](http://www.ontario.ca/fr/lois/loi/02t30)

Travel Industry Act, 2002

[S.O. 2002, chapter 30](https://www.ontario.ca/laws/statute/s02030)  
Schedule D

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part i  
interpretation

Interpretation

**1** (1)  In this Act,

“administrative authority” means the administrative authority as designated under section 3 of the Safety and Consumer Statutes Administration Act, 1996 for the purpose of administering this Act; (“organisme d’application”)

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 1 (1) of the Act is amended by adding the following definitions: (See: 2017, c. 33, Sched. 5, s. 9 (1))

“administrative penalty” means an administrative penalty imposed under section 34.2; (“pénalité administrative”)

“assessor” means an assessor appointed under subsection 34.1 (2) who is authorized to impose an administrative penalty or the registrar acting as an assessor; (“évaluateur”)

“equity share” means, in respect of a corporation, a share of a class or series of shares of a corporation that carries a voting right either under all circumstances or under circumstances that have occurred and are continuing; (“action participante”)

“Fund” means the Travel Industry Compensation Fund continued under section 41; (“Fonds”)

“investigator” means an investigator appointed under subsection 19 (1); (“enquêteur”)

“Minister” means the Minister of Consumer and Business Services or such other member of the Executive Council to whom the administration of this Act is assigned; (“ministre”)

Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “Minister” in subsection 1 (1) of the Act is repealed and the following substituted: (See: 2017, c. 33, Sched. 5, s. 9 (2))

“Minister” means the Minister of Government and Consumer Services or any other member of the Executive Council to whom the responsibility for the administration of this Act is assigned under the Executive Council Act; (“ministre”)

“officer” includes the chair and any vice-chair of the board of directors, the president and any vice-president, the secretary and assistant secretary, the treasurer and assistant treasurer and the general manager and the assistant general manager of the corporation or a partner or general manager and assistant general manager of a partnership, any other individual designated as an officer by by-law or resolution or any other individual who performs functions normally performed by an individual occupying such office; (“dirigeant”)

“prescribed” means prescribed by regulations made under this Act; (“prescrit”)

“registrant” means a travel agent or a travel wholesaler who is registered as a travel agent or a travel wholesaler or as both under this Act; (“personne inscrite”)

Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “registrant” in subsection 1 (1) of the Act is repealed and the following substituted: (See: 2017, c. 33, Sched. 5, s. 9 (2))

“registrant” means a travel seller who is registered under this Act or a travel salesperson who is registered under this Act; (“personne inscrite”)

“regulations” means regulations made under this Act; (“règlements”)

“travel agent” means a person who sells, to consumers, travel services provided by another person; (“agent de voyages”)

Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “travel agent” in subsection 1 (1) of the Act is repealed. (See: 2017, c. 33, Sched. 5, s. 9 (3))

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 1 (1) of the Act is amended by adding the following definitions: (See: 2017, c. 33, Sched. 5, s. 9 (4))

“travel salesperson” means a person who, on behalf of a travel seller, sells, to consumers or other travel sellers, travel services provided by another person and who is employed by that travel seller; (“représentant en voyages”)

“travel seller” means a person who is not acting as a travel salesperson and who,

(a) sells, to consumers, travel services provided by another person, or

(b) carries on the business of dealing with other travel sellers for the sale of travel services provided by another person; (“vendeur de voyages”)

“travel services” means transportation or sleeping accommodation for the use of a traveller, tourist or sightseer or other services combined with that transportation or sleeping accommodation; (“service de voyage”)

“travel wholesaler” means a person who acquires rights to travel services for the purpose of resale to a travel agent or who carries on the business of dealing with travel agents or travel wholesalers for the sale of travel services provided by another person; (“voyagiste”)

Note: On a day to be named by proclamation of the Lieutenant Governor, the definition of “travel wholesaler” in subsection 1 (1) of the Act is repealed. (See: 2017, c. 33, Sched. 5, s. 9 (5))

“Tribunal” means the Licence Appeal Tribunal established under the Licence Appeal Tribunal Act, 1999 or such other tribunal as may be prescribed. (“Tribunal”) 2002, c. 30, Sched. D, s. 1 (1); 2004, c. 19, s. 23 (1); 2006, c. 34, s. 26 (1); 2011, c. 1, Sched. 2, s. 8 (1).

Associated persons

(2)  For purposes of this Act, one person is associated with another person in any of the following circumstances:

1. One person is a corporation of which the other person is an officer or director.

2. One person is a partnership of which the other person is a partner.

3. Both persons are partners of the same partnership.

4. One person is a corporation that is controlled directly or indirectly by the other person.

5. Both persons are corporations and one corporation is controlled directly or indirectly by the same person who controls directly or indirectly the other corporation.

6. Both persons are members of the same voting trust relating to shares of a corporation.

7. Both persons are associated within the meaning of paragraphs 1 to 6 with the same person. 2004, c. 19, s. 23 (2).

**Section Amendments with date in force (d/m/y)**

[2004, c. 19, s. 23 (1, 2)](http://www.ontario.ca/laws/statute/S04019" \l "s23s1) - 01/07/2005

[2006, c. 34, s. 26 (1)](http://www.ontario.ca/laws/statute/S06034" \l "s26s1) - 01/04/2007

[2011, c. 1, Sched. 2, s. 8 (1)](http://www.ontario.ca/laws/statute/S11001" \l "sched2s8s1) - 30/03/2011

[2012, c. 8, Sched. 11, s. 52 (1)](http://www.ontario.ca/laws/statute/S12008" \l "sched11s52s1) - no effect -see [2020, c. 14, Sched. 8, s. 21](http://www.ontario.ca/laws/statute/S20014" \l "sched8s21) - 14/07/2020

[2017, c. 33, Sched. 5, s. 9 (1-5)](http://www.ontario.ca/laws/statute/S17033" \l "sched5s9s1) - not in force

Part II  
Officers

Director

**2** (1)  Subject to subsection (2), a director shall be appointed for the purposes of this Act and a maximum of two deputy directors may be appointed,

(a) by the board of the administrative authority; or

(b) by the Minister if there is no designated administrative authority. 2002, c. 30, Sched. D, s. 2 (1).

Director cannot be registrar

(2)  A person appointed as the registrar or a deputy registrar under subsection 3 (1) shall not be appointed as the director or a deputy director under subsection (1). 2002, c. 30, Sched. D, s. 2 (2).

Deputy director, duties

(3)  A deputy director shall perform such duties as are assigned by the director and shall act as director in his or her absence. 2002, c. 30, Sched. D, s. 2 (3).

Deputy director

(4)  If more than one deputy director is appointed, only one deputy director may act as the director under subsection (3) at any one time. 2002, c. 30, Sched. D, s. 2 (4).

**Section Amendments with date in force (d/m/y)**

[2012, c. 8, Sched. 11, s. 52 (5)](http://www.ontario.ca/laws/statute/S12008" \l "sched11s52s5) - no effect -see [2020, c. 14, Sched. 8, s. 21](http://www.ontario.ca/laws/statute/S20014" \l "sched8s21) - 14/07/2020

Registrar

**3** (1)  Subject to subsection (2), a registrar shall be appointed for the purposes of this Act and a maximum of two deputy registrars may be appointed,

(a) by the board of the administrative authority; or

(b) by the deputy minister to the Minister if there is no designated administrative authority. 2002, c. 30, Sched. D, s. 3 (1).

Registrar cannot be director

(2)  A person appointed as the director or deputy director under subsection 2 (1) shall not be appointed as the registrar or a deputy registrar under subsection (1). 2002, c. 30, Sched. D, s. 3 (2).

Powers and duties

(3)  The registrar shall exercise the powers and perform the duties imposed on him or her under this Act and a deputy registrar shall perform such duties as are assigned by the registrar and shall act as the registrar in the registrar’s absence. 2002, c. 30, Sched. D, s. 3 (3); 2009, c. 33, Sched. 10, s. 15 (1).

Deputy registrar

(4)  If more than one deputy registrar is appointed, only one deputy registrar may act as the registrar under subsection (3) at any one time. 2002, c. 30, Sched. D, s. 3 (4).

**Section Amendments with date in force (d/m/y)**

[2009, c. 33, Sched. 10, s. 15 (1)](http://www.ontario.ca/laws/statute/S09033" \l "sched10s15s1) - 15/12/2009

[2012, c. 8, Sched. 11, s. 52 (5)](http://www.ontario.ca/laws/statute/S12008" \l "sched11s52s5) - no effect -see [2020, c. 14, Sched. 8, s. 21](http://www.ontario.ca/laws/statute/S20014" \l "sched8s21) - 14/07/2020

Part III  
Prohibitions re: Practice

Prohibition against acting as a travel agent or travel wholesaler unless registered

**4** (1)  No person shall act or hold himself, herself or itself out as being available to act,

(a) as a travel agent unless the person is registered as a travel agent under this Act; or

(b) as a travel wholesaler unless the person is registered as a travel wholesaler under this Act. 2002, c. 30, Sched. D, s. 4 (1).

(2)  Repealed: 2004, c. 19, s. 23 (3).

Note: On a day to be named by proclamation of the Lieutenant Governor, section 4 of the Act is repealed and the following substituted: (See: 2017, c. 33, Sched. 5, s. 10)

Registration required for acting

**4** No person shall act or hold oneself out as being available to act,

(a) as a travel seller, unless the person is registered as a travel seller under this Act; or

(b) as a travel salesperson, unless the person is registered as a travel salesperson under this Act. 2017, c. 33, Sched. 5, s. 10.

**Section Amendments with date in force (d/m/y)**

[2004, c. 19, s. 23 (3)](http://www.ontario.ca/laws/statute/S04019" \l "s23s3) - 01/07/2005

[2017, c. 33, Sched. 5, s. 10](http://www.ontario.ca/laws/statute/S17033" \l "sched5s10) - not in force

Changes: corporations

**5** (1)  A change in the officers or directors of a corporation registered as a travel agent or travel wholesaler may be made only with the consent of the registrar. 2002, c. 30, Sched. D, s. 5 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 5 (1) of the Act is amended by striking out “a travel agent or travel wholesaler” and substituting “a travel seller or a prescribed travel salesperson”. (See: 2017, c. 33, Sched. 5, s. 11)

Same: partnerships

(2)  A change in the membership of a partnership shall be deemed to create a new partnership for the purpose of registration. 2002, c. 30, Sched. D, s. 5 (2).

**Section Amendments with date in force (d/m/y)**

[2017, c. 33, Sched. 5, s. 11](http://www.ontario.ca/laws/statute/S17033" \l "sched5s11) - not in force

Offices of travel agents

**6** (1)  No travel agent shall conduct business from a place at which the public is invited to deal unless the place is named as an office in the travel agent’s registration. 2002, c. 30, Sched. D, s. 6 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 6 (1) of the Act is repealed and the following substituted: (See: 2017, c. 33, Sched. 5, s. 12 (1))

Offices of travel sellers

(1)  No travel seller who sells, to consumers, travel services provided by another person shall conduct business from a place at which the public is invited to deal unless the place is named as an office in the travel seller’s registration. 2017, c. 33, Sched. 5, s. 12 (1).

Branch offices

(2)  If more than one office is named in the registration, one shall be designated as the main office and the remainder as branch offices. 2002, c. 30, Sched. D, s. 6 (2).

Same

(3)  A travel agent or applicant for registration as a travel agent is entitled to have any place of business specified by the travel agent or applicant named in the registration except such branch offices as are in contravention of the regulations. 2002, c. 30, Sched. D, s. 6 (3).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 6 (3) of the Act is repealed and the following substituted: (See: 2017, c. 33, Sched. 5, s. 12 (2))

Offices named in registration

(3)  A travel seller who sells, to consumers, travel services provided by another person, or an applicant for registration as such a travel seller, is entitled to have any place of business specified by the travel seller or applicant, as the case may be, named in the registration, except branch offices that are in contravention of the regulations. 2017, c. 33, Sched. 5, s. 12 (2).

**Section Amendments with date in force (d/m/y)**

[2017, c. 33, Sched. 5, s. 12 (1, 2)](http://www.ontario.ca/laws/statute/S17033" \l "sched5s12s1) - not in force

Registration a requirement to bring action

**7** No action shall be brought against a consumer of travel services for a commission or other remuneration in relation to the provision of those services unless at the time of rendering the services the person bringing the action was registered or exempt from registration under this Act and the court may stay any such action upon motion. 2002, c. 30, Sched. D, s. 7.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 7 of the Act is repealed and the following substituted: (See: 2017, c. 33, Sched. 5, s. 13)

Registration required for bringing action

**7** No action shall be brought against a customer for a commission or other remuneration in relation to the provision of travel services unless, at the time of providing the services, the person bringing the action was registered or exempt from registration under this Act and the court may stay any such action upon motion. 2017, c. 33, Sched. 5, s. 13.

**Section Amendments with date in force (d/m/y)**

[2017, c. 33, Sched. 5, s. 13](http://www.ontario.ca/laws/statute/S17033" \l "sched5s13) - not in force

Part IV  
Registration

Registration prohibited

**7.1**  (1)  If an applicant for registration or renewal of registration does not meet the prescribed requirements, the registrar shall refuse to grant or renew the registration. 2004, c. 19, s. 23 (4).

Non-application

(2)  Section 11 does not apply to a refusal under subsection (1) to grant or renew a registration. 2004, c. 19, s. 23 (4).

Notice of refusal

(3)  The registrar shall give the applicant written notice of a refusal under subsection (1), setting out the reasons for the refusal and subsection 36 (3) does not apply to the notice. 2004, c. 19, s. 23 (4).

**Section Amendments with date in force (d/m/y)**

[2004, c. 19, s. 23 (4)](http://www.ontario.ca/laws/statute/S04019" \l "s23s4) - 01/07/2005

Registration

**8** (1)  An applicant that meets the prescribed requirements is entitled to registration or renewal of registration by the registrar unless,

(a) the applicant is not a corporation and,

(i) having regard to the applicant’s financial position or the financial position of an interested person in respect of the applicant, the applicant cannot reasonably be expected to be financially responsible in the conduct of business,

(ii) the past conduct of the applicant or of an interested person in respect of the applicant affords reasonable grounds for belief that the applicant will not carry on business in accordance with law and with integrity and honesty, or

(iii) the applicant or an employee or agent of the applicant makes a false statement or provides a false statement in an application for registration or for renewal of registration;

(b) Repealed: 2004, c. 19, s. 23 (6).

(c) Repealed: 2004, c. 19, s. 23 (6).

(d) the applicant is a corporation and,

(i) Repealed: 2010, c. 16, Sched. 5, s. 5.

(ii) having regard to its financial position or the financial position of an interested person in respect of the corporation, the applicant cannot reasonably be expected to be financially responsible in the conduct of its business,

(iii) having regard to the financial position of its officers or directors or of an interested person in respect of its officers or directors, the applicant cannot reasonably be expected to be financially responsible in the conduct of its business,

(iv) the past conduct of its officers or directors or of an interested person in respect of its officers or directors or of an interested person in respect of the corporation affords reasonable grounds for belief that its business will not be carried on in accordance with the law and with integrity and honesty, or

(v) an officer or director of the corporation makes a false statement or provides a false statement in an application for registration or for renewal of registration;

(e) the applicant or an interested person in respect of the applicant is carrying on activities that are, or will be if the applicant is registered, in contravention of this Act or the regulations, other than the code of ethics established under section 42;

(f) the applicant is in breach of a condition of the registration; or

(g) the applicant fails to comply with a request made by the registrar under subsection (1.1). 2002, c. 30, Sched. D, s. 8 (1); 2004, c. 19, s. 23 (5-7); 2010, c. 16, Sched. 5, s. 5.

Request for information

(1.1)  The registrar may request an applicant for registration or renewal of registration to provide to the registrar, in the form and within the time period specified by the registrar,

(a) information specified by the registrar that is relevant to the decision to be made by the registrar as to whether or not to grant the registration or renewal;

(b) verification, by affidavit or otherwise, of any information described in clause (a) that the applicant is providing or has provided to the registrar. 2004, c. 19, s. 23 (8).

Conditions

(2)  A registration is subject to such conditions as are consented to by the applicant or registrant, as are applied by the registrar under section 10, as are ordered by the Tribunal or as are prescribed. 2002, c. 30, Sched. D, s. 8 (2).

Registration not transferable

(3)  A registration is not transferable. 2002, c. 30, Sched. D, s. 8 (3).

Integrity

(4)  Without restricting the generality of subclause (1) (a) (ii) and subclause (1) (d) (iv), a conviction for an offence under sections 126, 127 and 128 of the Immigration and Refugee Protection Act (Canada) is sufficient grounds for the purpose of those provisions. 2002, c. 30, Sched. D, s. 8 (4); 2004, c. 19, s. 23 (9).

Interested person

(5)  For the purposes of this section, a person shall be deemed to be an interested person in respect of another person if the person is associated with the other person or if, in the opinion of the registrar,

(a) the person has or may have a beneficial interest in the other person’s business;

(b) the person exercises or may exercise control either directly or indirectly over the other person; or

(c) the person has provided or may have provided financing either directly or indirectly to the other person’s business. 2002, c. 30, Sched. D, s. 8 (5); 2004, c. 19, s. 23 (10).

**Section Amendments with date in force (d/m/y)**

[2004, c. 19, s. 23 (5-10)](http://www.ontario.ca/laws/statute/S04019" \l "s23s5) - 01/07/2005

[2010, c. 16, Sched. 5, s. 5](http://www.ontario.ca/laws/statute/S10016" \l "sched5s5) - 25/10/2010

Registration of corporation

**9** (1)  When it registers and on each renewal of its registration, a travel agent or travel wholesaler that is a corporation shall disclose to the registrar the identity of,

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 9 (1) of the Act is amended by striking out “a travel agent or travel wholesaler” in the portion before clause (a) and substituting “a travel seller or prescribed travel salesperson”. (See: 2017, c. 33, Sched. 5, s. 14)

(a) each person that beneficially owns or controls 10 per cent or more of the equity shares issued and outstanding at the time of the registration or the renewal of registration, as the case may be; and

(b) persons that are associated with each other and that together beneficially own or control 10 per cent or more of the equity shares issued and outstanding at the time of the registration or the renewal of registration, as the case may be. 2004, c. 19, s. 23 (11).

Calculating number of shares

(2)  In calculating the total number of equity shares of the corporation beneficially owned or controlled for the purposes of this section, the total number shall be calculated as the total number of all shares beneficially owned or controlled, but each share that carries the right to more than one vote shall be calculated as the number of shares equalling the total number of votes carried. 2002, c. 30, Sched. D, s. 9 (2).

**Section Amendments with date in force (d/m/y)**

[2004, c. 19, s. 23 (11)](http://www.ontario.ca/laws/statute/S04019" \l "s23s11) - 01/07/2005

[2017, c. 33, Sched. 5, s. 14](http://www.ontario.ca/laws/statute/S17033" \l "sched5s14) - not in force

Refusal to register, etc.

**10** (1)  Subject to section 11, the registrar may refuse to register an applicant or may suspend or revoke a registration or refuse to renew a registration if, in his or her opinion, the applicant or registrant is not entitled to registration under section 8. 2004, c. 19, s. 23 (12).

Conditions

(2)  Subject to section 11, the registrar may,

(a) approve the registration or renewal of a registration on such conditions as he or she considers appropriate; and

(b) at any time apply to a registration such conditions as he or she considers appropriate. 2002, c. 30, Sched. D, s. 10 (2).

**Section Amendments with date in force (d/m/y)**

[2004, c. 19, s. 23 (12)](http://www.ontario.ca/laws/statute/S04019" \l "s23s12) - 01/07/2005

Notice re: refusal, suspension, etc.

**11** (1)  The registrar shall notify an applicant or registrant in writing if he or she proposes to,

(a) refuse under subsection 10 (1) to grant or renew a registration;

(b) suspend or revoke a registration;

(c) apply conditions to a registration or renewal to which the applicant or registrant has not consented; or

(d) refuse to name a branch office in a registration. 2002, c. 30, Sched. D, s. 11 (1); 2004, c. 19, s. 23 (13).

Content of notice

(2)  The notice of proposal shall set out the reasons for the proposed action and shall state that the applicant or registrant is entitled to a hearing by the Tribunal if the applicant or registrant mails or delivers, within 15 days after service of the notice, a written request for a hearing to the registrar and to the Tribunal. 2002, c. 30, Sched. D, s. 11 (2).

Service

(3)  The notice of proposal shall be served on the applicant or registrant in accordance with section 36. 2002, c. 30, Sched. D, s. 11 (3).

If no request for hearing

(4)  If an applicant or registrant does not request a hearing in accordance with subsection (2), the registrar may carry out the proposal. 2002, c. 30, Sched. D, s. 11 (4).

Hearing

(5)  If a hearing is requested, the Tribunal shall hold the hearing and may by order direct the registrar to carry out the registrar’s proposal or substitute its opinion for that of the registrar and the Tribunal may attach conditions to its order or to a registration. 2002, c. 30, Sched. D, s. 11 (5).

Parties

(6)  The registrar, the applicant or registrant and such other persons as the Tribunal may specify are parties to the proceedings under this section. 2002, c. 30, Sched. D, s. 11 (6).

Voluntary cancellation

(7)  The registrar may cancel a registration upon the request in writing of the registrant and this section does not apply to the cancellation. 2002, c. 30, Sched. D, s. 11 (7).

Continuation pending renewal

(8)  If, within the time prescribed or, if no time is prescribed, before the expiry of the registrant’s registration, the registrant has applied for renewal of a registration and paid the required fee, the registration shall be deemed to continue,

(a) until the renewal is granted;

(b) until the registrar gives the registrant written notice of the registrar’s refusal under section 7.1 to grant the renewal; or

(c) if the registrant is served notice that the registrar proposes to refuse under subsection 10 (1) to grant the renewal, until the time for requesting a hearing has expired or, if a hearing is requested, until the Tribunal makes its order. 2004, c. 19, s. 23 (14).

Immediate effect

(9)  Even if a registrant appeals an order of the Tribunal under section 11 of the Licence Appeal Tribunal Act, 1999, the order takes effect immediately but the Tribunal may grant a stay until the disposition of the appeal. 2002, c. 30, Sched. D, s. 11 (9).

**Section Amendments with date in force (d/m/y)**

[2004, c. 19, s. 23 (13, 14)](http://www.ontario.ca/laws/statute/S04019" \l "s23s13) - 01/07/2005

Immediate suspension

**12** (1)  If the registrar proposes to suspend or revoke a registration under section 11 and if the registrar considers it in the public interest to do so, the registrar may by order temporarily suspend the registration. 2002, c. 30, Sched. D, s. 12 (1).

Immediate effect

(2)  An order under subsection (1) takes effect immediately. 2002, c. 30, Sched. D, s. 12 (2).

Expiry of order

(3)  If a hearing is requested under section 11,

(a) the order expires 15 days after the written request for a hearing is received by the Tribunal; or

(b) the Tribunal may extend the time of expiration until the hearing is concluded, if a hearing is commenced within the 15-day period referred to in clause (a). 2002, c. 30, Sched. D, s. 12 (3).

Same

(4)  Despite subsection (3), if it is satisfied that the conduct of the registrant has delayed the commencement of the hearing, the Tribunal may extend the time of the expiration for the order,

(a) until the hearing commences;and

(b) once the hearing commences, until the hearing is concluded. 2002, c. 30, Sched. D, s. 12 (4).

Requirements for hearing request

**13** (1)  A request for a hearing under section 11 is sufficiently served if delivered personally or sent by registered mail to the registrar and to the Tribunal. 2002, c. 30, Sched. D, s. 13 (1).

Same

(2)  If service is made by registered mail, it shall be deemed to be made on the third day after the day of mailing. 2002, c. 30, Sched. D, s. 13 (2).

Other methods

(3)  Despite subsection (1), the Tribunal may order any other method of service. 2002, c. 30, Sched. D, s. 13 (3).

Further application

**14** A person whose registration is refused, revoked or refused renewal may reapply for registration only if,

(a) the time prescribed to reapply has passed since the refusal, revocation or refusal to renew; and

(b) new or other evidence is available or it is clear that material circumstances have changed. 2002, c. 30, Sched. D, s. 14.

Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section: (See: 2017, c. 33, Sched. 5, s. 15)

Transition

**14.1**(1)  A person who was registered as a travel agent or travel wholesaler under this Act, as it read immediately before the day this section comes into force, is deemed to be registered as a travel seller. 2017, c. 33, Sched. 5, s. 15.

Same, applications

(2)  An application for registration as a travel agent or travel wholesaler under this Act, as it read immediately before the day this section comes into force, that has not been disposed of is deemed to be an application for registration as a travel seller. 2017, c. 33, Sched. 5, s. 15.

**Section Amendments with date in force (d/m/y)**

[2017, c. 33, Sched. 5, s. 15](http://www.ontario.ca/laws/statute/S17033" \l "sched5s15) - not in force

Notice of issue or transfer of shares

**15** (1)  In addition to the disclosure required under section 9, every registrant that is a corporation shall notify the registrar in writing within 30 days after the issue or transfer of any equity shares of the corporation, if the issue or transfer results in,

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 15 (1) of the Act is amended by striking out “registrant that is a corporation” in the portion before clause (a) and substituting “registered travel seller or prescribed travel salesperson that is a corporation”. (See: 2017, c. 33, Sched. 5, s. 16 (1))

(a) any person, or any persons that are associated with each other, acquiring or accumulating beneficial ownership or control of 10 per cent or more of the total number of all issued and outstanding equity shares of the corporation; or

(b) an increase in the percentage of issued and outstanding equity shares of the corporation beneficially owned or controlled by any person, or any persons who are associated with each other, where the person or the associated persons already beneficially owned or controlled 10 per cent or more of the total number of all issued and outstanding equity shares of the corporation before the issue or transfer. 2004, c. 19, s. 23 (15).

Same

(2)  Despite subsection (1), if a registrant that is a corporation becomes aware of a transfer that otherwise falls into subsection (1) after the transfer has taken place, it shall notify the registrar in writing within 30 days after knowledge of the transfer comes to the attention of its officers or directors. 2002, c. 30, Sched. D, s. 15 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 15 (2) of the Act is amended by striking out “registrant that is a corporation” and substituting “registered travel seller or prescribed travel salesperson that is a corporation”. (See: 2017, c. 33, Sched. 5, s. 16 (1))

Note: On a day to be named by proclamation of the Lieutenant Governor, the French version of subsection 15 (2) of the Act is amended. (See: 2017, c. 33, Sched. 5, s. 16 (2))

Calculation of total number of equity shares

(3)  In calculating the total number of equity shares of the corporation beneficially owned or controlled for the purpose of this section, the total number shall be calculated as the total of all the shares beneficially owned or controlled, but each share that carries the right to more than one vote shall be calculated as the number of shares equalling the total number of votes it carries. 2002, c. 30, Sched. D, s. 15 (3).

**Section Amendments with date in force (d/m/y)**

[2004, c. 19, s. 23 (15)](http://www.ontario.ca/laws/statute/S04019" \l "s23s15) - 01/07/2005

[2017, c. 33, Sched. 5, s. 16 (1, 2)](http://www.ontario.ca/laws/statute/S17033" \l "sched5s16s1) - not in force

Part v  
Complaints, Inspection and Discipline

Complaints

**16** (1)  If the registrar receives a complaint about a registrant, the registrar may request information in relation to the complaint from any registrant. 2002, c. 30, Sched. D, s. 16 (1).

Request for information

(2)  A request for information under subsection (1) shall indicate the nature of the complaint. 2002, c. 30, Sched. D, s. 16 (2).

Duty to comply with request

(3)  A registrant who receives a written request for information shall provide the information as soon as practicable. 2002, c. 30, Sched. D, s. 16 (3).

Procedures

(4)  In handling complaints, the registrar may do any of the following, as appropriate:

1. Attempt to mediate or resolve the complaint.

2. Give the registrant a written warning that if the registrant continues with the activity that led to the complaint, action may be taken against the registrant.

3. Refer the matter, in whole or in part, to the discipline committee.

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 16 (4) of the Act is amended by adding the following paragraph: (See: 2017, c. 33, Sched. 5, s. 17)

3.1 Require the person to take further educational courses, if the registrant is a travel salesperson.

4. Take an action under section 10, subject to section 11.

5. Take further action as is appropriate in accordance with this Act. 2002, c. 30, Sched. D, s. 16 (4).

**Section Amendments with date in force (d/m/y)**

[2017, c. 33, Sched. 5, s. 17](http://www.ontario.ca/laws/statute/S17033" \l "sched5s17) - not in force

Inspection

**17** (1)  The registrar or a person designated in writing by the registrar may conduct an inspection and may, as part of that inspection, enter and inspect at any reasonable time the business premises of a registrant, other than any part of the premises used as a dwelling, for the purpose of,

(a) ensuring compliance with this Act and the regulations;

(b) dealing with a complaint under section 16; or

(c) ensuring the registrant remains entitled to registration. 2002, c. 30, Sched. D, s. 17 (1).

Powers on inspection

(2)  While carrying out an inspection, an inspector,

(a) is entitled to free access to all money, valuables, documents and records of the person being inspected that are relevant to the inspection;

(b) may use any data storage, processing or retrieval device or system used in carrying on business in order to produce information that is relevant to the inspection and that is in any form; and

(c) may, upon giving a receipt for them, remove for examination and may copy anything relevant to the inspection including any data storage disk or other retrieval device in order to produce information, but shall promptly return the thing to the person being inspected. 2002, c. 30, Sched. D, s. 17 (2); 2006, c. 34, s. 26 (2).

Identification

(3)  An inspector shall produce, on request, evidence of his or her authority to carry out an inspection. 2002, c. 30, Sched. D, s. 17 (3).

Assistance to be given

(4)  An inspector may, in the course of an inspection, require a person to produce a document or record and to provide whatever assistance is reasonably necessary, including using any data storage, processing or retrieval device or system to produce information that is relevant to the inspection and that is in any form, and the person shall produce the document or record or provide the assistance. 2002, c. 30, Sched. D, s. 17 (4); 2006, c. 34, s. 26 (2).

Obstruction prohibited

(5)  No person shall obstruct an inspector conducting an inspection or withhold from him or her or conceal, alter or destroy any money, valuables, documents or records that are relevant to the inspection. 2002, c. 30, Sched. D, s. 17 (5).

Use of force prohibited

(6)  An inspector shall not use force to enter and inspect premises under this section. 2002, c. 30, Sched. D, s. 17 (6).

Admissibility of copies

(7)  A copy of a document or record certified by an inspector to be a true copy of the original is admissible in evidence to the same extent as the original and has the same evidentiary value. 2002, c. 30, Sched. D, s. 17 (7).

**Section Amendments with date in force (d/m/y)**

[2006, c. 34, s. 26 (2)](http://www.ontario.ca/laws/statute/S06034" \l "s26s2) - 01/04/2007

Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section: (See: 2017, c. 33, Sched. 5, s. 18)

Inspection of non-registrants

**17.1** (1)  If the registrar has reasonable grounds to believe that an activity for which registration is required is occurring, the registrar, or a person designated in writing by the registrar, may conduct an inspection and may, as part of the inspection, enter and inspect at any reasonable time the business premises of a person or entity that is not a registrant, other than any part of the premises used as a dwelling, for the purpose of determining whether the person or entity is carrying on the activity. 2017, c. 33, Sched. 5, s. 18.

Inspection of former registrants

(2)  The registrar, or a person designated in writing by the registrar, may conduct an inspection and may, as part of the inspection, enter and inspect at any reasonable time the business premises of a former registrant, other than any part of the premises used as a dwelling, for the purpose of ensuring compliance with this Act and the regulations by the former registrant. 2017, c. 33, Sched. 5, s. 18.

Application of s. 17

(3)  Subsections 17 (2) to (7) apply to an inspection described in subsection (1) or (2) of this section. 2017, c. 33, Sched. 5, s. 18.

**Section Amendments with date in force (d/m/y)**

[2017, c. 33, Sched. 5, s. 18](http://www.ontario.ca/laws/statute/S17033" \l "sched5s18) - not in force

Discipline proceedings

**18** (1)  The board of the administrative authority or the Minister if there is no designated administrative authority may establish a discipline committee to hear and determine, in accordance with the prescribed procedures, issues concerning whether registrants have failed to comply with the code of ethics established by the Minister. 2002, c. 30, Sched. D, s. 18 (1).

Appeals committee

(2)  If a discipline committee is established, an appeals committee shall be established to consider, in accordance with the prescribed procedures, appeals from the discipline committee. 2002, c. 30, Sched. D, s. 18 (2).

Appointment of members

(3)  If a discipline committee is established, the board of the administrative authority or, if there is no designated administrative authority, the Minister shall appoint the members of the discipline committee and the members of the appeals committee and, in making the appointments, shall ensure that the prescribed requirements for the composition of each committee are met. 2004, c. 19, s. 23 (16).

Result of a determination

(4)  If the discipline committee makes a determination under subsection (1) that a registrant has failed to comply with the code of ethics, it may order any of the following, as appropriate:

1. In accordance with the terms that may be specified by the committee, require the registrant to fund educational courses for the employees of the registrant or to arrange and fund such educational courses.

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 1 of subsection 18 (4) of the Act is repealed and the following substituted: (See: 2017, c. 33, Sched. 5, s. 19 (1))

1. In accordance with the terms that the committee may specify, require the registered travel seller to fund educational courses for the travel salespersons employed by the travel seller or to arrange and fund such educational courses.

1.1 In accordance with the terms that the committee may specify, require the registrant to take further educational courses if the registrant is a travel salesperson.

2. Despite subsection 12 (1) of the Safety and Consumer Statutes Administration Act, 1996, impose such fine as the committee considers appropriate, to a maximum of $25,000, or such lesser amount as may be prescribed, to be paid by the registrant to the administrative authority or to the Minister of Finance if there is no designated administrative authority.

3. Suspend or postpone the funding or the funding and arranging of educational courses or the imposition of the fine for such period and upon such terms as the committee designates.

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 3 of subsection 18 (4) of the Act is repealed and the following substituted: (See: 2017, c. 33, Sched. 5, s. 19 (2))

3. Suspend or postpone the requirement to fund, to arrange and fund or to take educational courses, or the imposition of a fine, for the period and upon the terms that the committee designates.

4. Fix and impose costs to be paid by the registrant to the administrative authority or to the Minister of Finance if there is no designated administrative authority. 2002, c. 30, Sched. D, s. 18 (4).

Appeal

(5)  A party to the discipline proceeding may appeal the final order of the discipline committee to the appeals committee. 2002, c. 30, Sched. D, s. 18 (5).

Power of the appeals committee

(6)  The appeals committee may by order overturn, affirm or modify the order of the discipline committee and may make an order under subsection (4). 2002, c. 30, Sched. D, s. 18 (6).

Payment of fine

(7)  The registrant shall pay any fine imposed under subsection (4),

(a) on or before the day specified in the order of the discipline committee or, if the fine is the subject of an appeal, on or before the day specified in the order of the appeals committee; or

(b) on or before the 60th day after the date of the last order made in respect of the fine, if no day is specified in that order. 2002, c. 30, Sched. D, s. 18 (7).

Arranging and funding educational courses

(8)  The registrant shall arrange and fund the educational courses for employees as required under subsection (4) within the time period specified in the order of the discipline committee or, if the requirement is the subject of an appeal, within the time period specified in the order of the appeals committee. 2002, c. 30, Sched. D, s. 18 (8).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 18 (8) of the Act is repealed. (See: 2017, c. 33, Sched. 5, s. 19 (3))

Funding educational courses

(9)  The registrant shall fund the educational courses for employees as required under subsection (4),

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 18 (9) of the Act is amended by striking out the portion before clause (a) and substituting the following: (See: 2017, c. 33, Sched. 5, s. 19 (4))

Arranging and funding educational courses

(9)  The registrant shall arrange and fund the educational courses for travel salespersons as required under subsection (4),

(a) within the time period specified in the order of the discipline committee or, if the requirement is the subject of an appeal, within the time period specified in the order of the appeals committee; or

(b) at the first reasonable opportunity after the last order made in respect of the educational course if no time period is specified in that order. 2002, c. 30, Sched. D, s. 18 (9).

Note: On a day to be named by proclamation of the Lieutenant Governor, section 18 of the Act is amended by adding the following subsection: (See: 2017, c. 33, Sched. 5, s. 19 (5))

Taking educational courses

(9.1)  A registrant that is required to take educational courses under subsection (4) shall do so,

(a) within the time period specified in the order of the discipline committee or, if the requirement is the subject of an appeal, within the time period specified in the order of the appeals committee; or

(b) at the first reasonable opportunity after the last order made in respect of the courses if no time period is specified in that order. 2017, c. 33, Sched. 5, s. 19 (5).

Public access

(10)  Decisions of the discipline committee and the appeals committee shall be made available to the public in such manner as may be prescribed. 2002, c. 30, Sched. D, s. 18 (10).

**Section Amendments with date in force (d/m/y)**

[2004, c. 19, s. 23 (16)](http://www.ontario.ca/laws/statute/S04019" \l "s23s16) - 01/07/2005

[2012, c. 8, Sched. 11, s. 52 (2, 3, 5)](http://www.ontario.ca/laws/statute/S12008" \l "sched11s52s2) - no effect -see [2020, c. 14, Sched. 8, s. 21](http://www.ontario.ca/laws/statute/S20014" \l "sched8s21) - 14/07/2020

[2017, c. 33, Sched. 5, s. 19 (1-5)](http://www.ontario.ca/laws/statute/S17033" \l "sched5s19s1) - not in force

Appointment of investigators

**19** (1)  The director may appoint persons to be investigators for the purposes of conducting investigations. 2002, c. 30, Sched. D, s. 19 (1).

Certificate of appointment

(2)  The director shall issue to every investigator a certificate of appointment bearing his or her signature or a facsimile of the signature. 2002, c. 30, Sched. D, s. 19 (2).

Production of certificate of appointment

(3)  Every investigator who is conducting an investigation, including under section 20, shall, upon request, produce the certificate of appointment as an investigator. 2006, c. 34, s. 26 (3).

**Section Amendments with date in force (d/m/y)**

[2006, c. 34, s. 26 (3)](http://www.ontario.ca/laws/statute/S06034" \l "s26s3) - 01/04/2007

Search warrant

**20** (1)  Upon application made without notice by an investigator, a justice of the peace may issue a warrant, if he or she is satisfied on information under oath that there is reasonable ground for believing that,

(a) a person has contravened or is contravening this Act or the regulations or has committed an offence under the law of any jurisdiction that is relevant to the person’s fitness for registration under this Act; and

(b) there is,

(i) in any building, dwelling, receptacle or place anything relating to the contravention of this Act or the regulations or to the person’s fitness for registration, or

(ii) information or evidence relating to the contravention of this Act or the regulations or the person’s fitness for registration that may be obtained through the use of an investigative technique or procedure or the doing of anything described in the warrant. 2004, c. 19, s. 23 (17); 2006, c. 34, s. 26 (4); 2019, c. 14, Sched. 10, s. 19 (1).

Powers under warrant

(2)  Subject to any conditions contained in it, a warrant obtained under subsection (1) authorizes an investigator,

(a) to enter or access the building, dwelling, receptacle or place specified in the warrant and examine and seize anything described in the warrant;

(b) to make reasonable inquiries of any person, orally or in writing, with respect to anything relevant to the investigation;

(c) to require a person to produce the information or evidence described in the warrant and to provide whatever assistance is reasonably necessary, including using any data storage, processing or retrieval device or system to produce, in any form, the information or evidence described in the warrant;

(d) to use any data storage, processing or retrieval device or system used in carrying on business in order to produce information or evidence described in the warrant, in any form; and

(e) to use any investigative technique or procedure or do anything described in the warrant. 2004, c. 19, s. 23 (17); 2006, c. 34, s. 26 (5, 6); 2019, c. 14, Sched. 10, s. 19 (1, 2).

Entry of dwelling

(3)  Despite subsection (2), an investigator shall not exercise the power under a warrant to enter a place, or part of a place, used as a dwelling, unless,

(a) the justice of the peace is informed that the warrant is being sought to authorize entry into a dwelling; and

(b) the justice of the peace authorizes the entry into the dwelling. 2004, c. 19, s. 23 (17).

Conditions on warrant

(4)  A warrant obtained under subsection (1) shall contain such conditions as the justice of the peace considers advisable to ensure that any search authorized by the warrant is reasonable in the circumstances. 2004, c. 19, s. 23 (17).

Expert help

(5)  The warrant may authorize persons who have special, expert or professional knowledge and other persons as necessary to accompany and assist the investigator in respect of the execution of the warrant. 2004, c. 19, s. 23 (17); 2006, c. 34, s. 26 (7).

Time of execution

(6)  An entry or access under a warrant issued under this section shall be made between 6 a.m. and 9 p.m., unless the warrant specifies otherwise. 2004, c. 19, s. 23 (17).

Expiry of warrant

(7)  A warrant issued under this section shall name a date of expiry, which shall be no later than 30 days after the warrant is issued, but a justice of the peace may extend the date of expiry for an additional period of no more than 30 days, upon application without notice by an investigator. 2004, c. 19, s. 23 (17).

Use of force

(8)  An investigator may call upon police officers for assistance in executing the warrant and the investigator may use whatever force is reasonably necessary to execute the warrant. 2004, c. 19, s. 23 (17).

No obstruction

(9)  No person shall obstruct an investigator executing a warrant under this section or withhold from him or her or conceal, alter or destroy anything relevant to the investigation being conducted pursuant to the warrant. 2004, c. 19, s. 23 (17).

Compliance

(10)  If an investigator under clause (2) (c) requires a person to produce evidence or information or to provide assistance, the person shall produce the evidence or information or provide the assistance, as the case may be. 2019, c. 14, Sched. 10, s. 19 (3).

Copies of seized items

(11)  An investigator who seizes any thing under this section or section 20.1 may make a copy of it. 2019, c. 14, Sched. 10, s. 19 (3).

Admissibility

(12)  A copy of a document or record certified by an investigator as being a true copy of the original is admissible in evidence to the same extent as the original and has the same evidentiary value. 2004, c. 19, s. 23 (17).

**Section Amendments with date in force (d/m/y)**

[2004, c. 19, s. 23 (17)](http://www.ontario.ca/laws/statute/S04019" \l "s23s17) - 01/07/2005

[2006, c. 34, s. 26 (4-8)](http://www.ontario.ca/laws/statute/S06034" \l "s26s4) - 01/04/2007

[2019, c. 14, Sched. 10, s. 19 (1-3)](http://www.ontario.ca/laws/statute/S19014" \l "sched10s19s1) - 10/12/2019

Seizure of things not specified

**20.1**An investigator who is lawfully present in a place pursuant to a warrant or otherwise in the execution of his or her duties may, without a warrant, seize anything in plain view that the investigator believes on reasonable grounds will afford evidence relating to a contravention of this Act or the regulations. 2006, c. 34, s. 26 (9).

**Section Amendments with date in force (d/m/y)**

[2004, c. 19, s. 23 (17)](http://www.ontario.ca/laws/statute/S04019" \l "s23s17) - 01/07/2005

[2006, c. 34, s. 26 (9)](http://www.ontario.ca/laws/statute/S06034" \l "s26s9) - 01/04/2007

Searches in exigent circumstances

**21** (1)  An investigator may exercise any of the powers described in subsection 20 (2) without a warrant if the conditions for obtaining the warrant exist but by reason of exigent circumstances it would be impracticable to obtain the warrant. 2004, c. 19, s. 23 (18).

Dwellings

(2)  Subsection (1) does not apply to a building or part of a building that is being used as a dwelling. 2004, c. 19, s. 23 (18).

Use of force

(3)  The investigator may, in executing any authority given by this section, call upon police officers for assistance and use whatever force is reasonably necessary. 2004, c. 19, s. 23 (18).

Applicability of s. 20

(4)  Subsections 20 (5), (9), (10), (11) and (12) apply with necessary modifications to a search under this section. 2004, c. 19, s. 23 (18).

**Section Amendments with date in force (d/m/y)**

[2004, c. 19, s. 23 (18)](http://www.ontario.ca/laws/statute/S04019" \l "s23s18) - 01/07/2005

Report when things seized

**21.1**(1)  An investigator who seizes any thing under the authority of section 20, 20.1 or 21 shall bring it before a justice of the peace or, if that is not reasonably possible, shall report the seizure to a justice of the peace. 2019, c. 14, Sched. 10, s. 19 (4).

Procedure

(2)  Sections 159 and 160 of the Provincial Offences Act apply with necessary modifications in respect of a thing seized under the authority of section 20, 20.1 or 21 of this Act, reading the reference in subsection 160 (1) of that Act to a document that a person is about to examine or seize under a search warrant as a reference to a thing that an investigator is about to examine or seize under the authority of section 20, 20.1 or 21 of this Act. 2019, c. 14, Sched. 10, s. 19 (4).

**Section Amendments with date in force (d/m/y)**

[2019, c. 14, Sched. 10, s. 19 (4)](http://www.ontario.ca/laws/statute/S19014" \l "sched10s19s4) - 10/12/2019

Appointment of receiver and manager

**22** (1)  The director may apply to the Superior Court of Justice for the appointment of a receiver and manager to take possession and control of the business of a registrant if,

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 22 (1) of the Act is amended by striking out “a registrant” in the portion before clause (a) and substituting “a registered travel seller”. (See: 2017, c. 33, Sched. 5, s. 20 (1))

(a) an investigation of the registrant has been undertaken under this Act;

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 22 (1) (a) of the Act is amended by striking out “the registrant” and substituting “the registered travel seller”. (See: 2017, c. 33, Sched. 5, s. 20 (2))

(b) the director has made or is about to make an order under section 23;

(c) the director has reasonable grounds to believe that a registrant has failed or is about to fail to provide contracted and paid for travel services to a customer;

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 22 (1) (c) of the Act is repealed and the following substituted: (See: 2017, c. 33, Sched. 5, s. 20 (3))

(c) the director has reasonable grounds to believe that the registered travel seller has failed or is about to fail to provide contracted and paid for travel services to a customer;

(d) the director is advised that the registrar has proposed to suspend or revoke a registration under section 11 or to temporarily suspend a registration under section 12; or

(e) the director is advised that an investigation under section 5.1 of the Ministry of Consumer and Business Services Act has been ordered. 2002, c. 30, Sched. D, s. 22 (1).

Order to appoint

(2)  The court may make an order for the appointment of a receiver and manager, if it is satisfied that it is in the public interest to have a receiver and manager take control of the business of a registrant. 2002, c. 30, Sched. D, s. 22 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 22 (2) of the Act is amended by striking out “a registrant” at the end and substituting “a registered travel seller”. (See: 2017, c. 33, Sched. 5, s. 20 (4))

Notice

(3)  The court may make an order under subsection (2) without notice, or if it considers that notice should be given, upon such notice as the court stipulates. 2002, c. 30, Sched. D, s. 22 (3).

Appointment not longer than 60 days

(4)  The order of the court shall provide for the term of the receiver and manager but the term shall not be longer than 60 days. 2002, c. 30, Sched. D, s. 22 (4).

60-day extensions

(5)  Despite subsection (4), the director may, without notice, apply to the court to extend the receiver and manager’s term for further terms of not more than 60 days each. 2002, c. 30, Sched. D, s. 22 (5).

Duties of receiver and manager

(6)  The receiver and manager shall,

(a) take possession and control of the assets of the registrant’s business;

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 22 (6) (a) of the Act is amended by striking out “the registrant’s business” at the end and substituting “the registered travel seller’s business”. (See: 2017, c. 33, Sched. 5, s. 20 (5))

(b) conduct the business of the registrant; and

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 22 (6) (b) of the Act is amended by striking out “the registrant” and substituting “the registered travel seller”. (See: 2017, c. 33, Sched. 5, s. 20 (6))

(c) take such steps that are, in the opinion of the receiver and manager, necessary for the rehabilitation of the business. 2002, c. 30, Sched. D, s. 22 (6).

Powers of receiver and manager

(7)  The receiver and manager has all the powers of the board of directors of the corporation, if the registrant is a corporation, or of a sole proprietor or all partners if the registrant is not a corporation. 2002, c. 30, Sched. D, s. 22 (7).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 22 (7) of the Act is repealed and the following substituted: (See: 2017, c. 33, Sched. 5, s. 20 (7))

Powers of receiver and manager

(7)  The receiver and manager has all the powers of the board of directors of the corporation, if the registered travel seller is a corporation, or of a sole proprietor or all partners if the registered travel seller is not a corporation. 2017, c. 33, Sched. 5, s. 20 (7).

May exclude directors, etc.

(8)  Without limiting the generality of subsection (7), the receiver and manager may exclude the directors, officers, employees and agents of the business, interested persons in respect of the business and any other persons connected with the business from the premises and property of the business. 2002, c. 30, Sched. D, s. 22 (8).

Interested persons

(9)  Subsection 8 (5) applies to this section except that the opinion as to whether a person is deemed to be interested in respect of another person is that of the receiver and manager. 2002, c. 30, Sched. D, s. 22 (9).

**Section Amendments with date in force (d/m/y)**

[2017, c. 33, Sched. 5, s. 20 (1-7)](http://www.ontario.ca/laws/statute/S17033" \l "sched5s20s1) - not in force

Freeze order

**23** (1)  If the conditions in subsection (2) are met, the director may in writing,

(a) order any person having on deposit or controlling any assets or trust funds of a registrant or former registrant to hold those funds or assets;

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 23 (1) (a) of the Act is amended by striking out “of a registrant or former registrant” and substituting “of a registered travel seller or former registered travel seller”. (See: 2017, c. 33, Sched. 5, s. 21 (1))

(b) order a registrant or former registrant to refrain from withdrawing any asset or trust fund from a person having it on deposit or controlling it; or

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 23 (1) (b) of the Act is amended by striking out “a registrant or former registrant” and substituting “a registered travel seller or former registered travel seller”. (See: 2017, c. 33, Sched. 5, s. 21 (2))

(c) order a registrant or former registrant to hold any asset or trust fund of a customer or other person in trust for the person entitled to it. 2002, c. 30, Sched. D, s. 23 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 23 (1) (c) of the Act is amended by striking out “a registrant or former registrant” and substituting “a registered travel seller or former registered travel seller”. (See: 2017, c. 33, Sched. 5, s. 21 (2))

Conditions

(2)  The director may make an order under subsection (1) if he or she believes that it is advisable for the protection of the customers of a registrant or former registrant and,

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 23 (2) of the Act is amended by striking out “of a registrant or former registrant” in the portion before clause (a) and substituting “of a registered travel seller or former registered travel seller”. (See: 2017, c. 33, Sched. 5, s. 21 (3))

(a) a search warrant has been issued under this Act; or

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 23 (2) of the Act is amended by striking out “or” at the end of clause (a) and by adding the following clause: (See: 2017, c. 33, Sched. 5, s. 21 (4))

(a.1) the director has made an order under section 29.1 or 29.2; or

(b) criminal proceedings or proceedings in relation to a contravention under this Act or under any other Act are about to be or have been instituted against the registrant or former registrant in connection with or arising out of the business in respect of which the registrant or former registrant is or was registered. 2002, c. 30, Sched. D, s. 23 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, clause 23 (2) (b) of the Act is amended by striking out “registrant or former registrant” and substituting “registered travel seller or former registered travel seller”. (See: 2017, c. 33, Sched. 5, s. 21 (5))

Limitation

(3)  In the case of a bank or authorized foreign bank within the meaning of section 2 of the Bank Act (Canada), a credit union within the meaning of the Credit Unions and Caisses Populaires Act, 2020 or a loan or trust corporation, the order under subsection (1) applies only to the offices and branches named in the order. 2002, c. 30, Sched. D, s. 23 (3); 2020, c. 36, Sched. 7, s. 338.

Release of assets

(4)  The director may consent to the release of any particular asset or trust fund from the order or may wholly revoke the order. 2002, c. 30, Sched. D, s. 23 (4).

Exception

(5)  Subsection (1) does not apply if the registrant or former registrant files with the director, in such manner and amount as the director determines,

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 23 (5) of the Act is amended by striking out “registrant or former registrant” in the portion before clause (a) and substituting “registered travel seller or former registered travel seller”. (See: 2017, c. 33, Sched. 5, s. 21 (5))

(a) a personal bond accompanied by collateral security;

(b) a bond of an insurer licensed under the Insurance Act to write surety and fidelity insurance;

(c) a bond of a guarantor accompanied by collateral security; or

(d) another prescribed form of security. 2002, c. 30, Sched. D, s. 23 (5).

Application to court

(6)  An application may be made to the Superior Court of Justice for a determination in respect of the disposition of any asset or trust fund,

(a) by a person in receipt of an order under subsection (1), if that person is in doubt as to whether the order applies to the asset or trust fund; or

(b) by a person who claims an interest in the asset or trust fund subject to the order. 2002, c. 30, Sched. D, s. 23 (6).

Notice

(7)  If an order is made under this section, the director may register in the appropriate land registry office a notice that an order under subsection (1) has been issued and that the order may affect land belonging to the person referred to in the notice, and the notice has the same effect as the registration of a certificate of pending litigation, except that the director may in writing revoke or modify the notice. 2002, c. 30, Sched. D, s. 23 (7).

Cancellation or discharge application

(8)  A registrant or former registrant in respect of which an order has been made under subsection (1) or any person having an interest in land in respect of which a notice is registered under subsection (7) may apply to the Tribunal for cancellation in whole or in part of the order or for discharge in whole or in part of the registration. 2002, c. 30, Sched. D, s. 23 (8).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 23 (8) of the Act is amended by striking out “registrant or former registrant” and substituting “registered travel seller or former registered travel seller”. (See: 2017, c. 33, Sched. 5, s. 21 (6))

Disposition by Tribunal

(9)  The Tribunal shall dispose of the application after a hearing and may cancel the order or discharge the registration in whole or in part if the Tribunal finds,

(a) that the order or registration is not required in whole or in part for the protection of customers of the applicant or of other persons having an interest in the land; or

(b) that the interests of other persons are unduly prejudiced by the order or registration. 2002, c. 30, Sched. D, s. 23 (9).

Parties

(10)  The applicant, the director and such other persons as the Tribunal may specify are parties to the proceedings before the Tribunal. 2002, c. 30, Sched. D, s. 23 (10).

Court application

(11)  If the director has made an order under subsection (1) or registered a notice under subsection (7), he or she may apply to the Superior Court of Justice for directions or an order as to the disposition of assets, trust funds or land affected by the order or notice. 2002, c. 30, Sched. D, s. 23 (11).

Notice not required

(12)  An application by the director under this section may be made without notice to any other person. 2002, c. 30, Sched. D, s. 23 (12).

**Section Amendments with date in force (d/m/y)**

[2017, c. 33, Sched. 5, s. 21 (1-6)](http://www.ontario.ca/laws/statute/S17033" \l "sched5s21s1) - not in force

[2020, c. 36, Sched. 7, s. 338](http://www.ontario.ca/laws/statute/S20036" \l "sched7s338) - 01/03/2022

Freeze orders, non-registrants

**23.1**  (1)  The director may make an order described in subsection (2) in respect of the money or assets of a person who is not registered under this Act and who is alleged to have conducted business for which registration is required under this Act at a time when the person was not registered to do so if,

(a) the director receives an affidavit in which it is alleged, and in which facts are set out supporting the allegation, that the person who is not registered under this Act,

(i) is subject to criminal proceedings or proceedings in relation to a contravention under this Act or any other Act that are about to be or have been instituted against the person in connection with or arising out of conducting business for which registration is required under this Act, or

(ii) owns a building, dwelling, receptacle or place, or carries on activities in a building, dwelling, receptacle or place, in respect of which a search warrant has been issued under section 20; and

(b) the director, based on the affidavit referred to in clause (a), finds reasonable grounds to believe that,

(i) in the course of conducting business for which registration is required under this Act, the person who is the subject of the allegation referred to in clause (a) has received money or assets from customers, and

(ii) the interests of those customers require protection. 2004, c. 19, s. 23 (19); 2019, c. 14, Sched. 10, s. 19 (1).

Order

(2)  In the circumstances described in subsection (1), the director may, in writing,

(a) order any person having on deposit or controlling any money or asset of the person who is the subject of the allegation referred to in clause (1) (a) to hold the money or asset; or

(b) order the person who is the subject of the allegation referred to in clause (1) (a),

(i) to refrain from withdrawing any money or asset from a person having it on deposit or controlling it, or

(ii) to hold any money or asset of a customer or other person in trust for the person who is entitled to it. 2004, c. 19, s. 23 (19).

Application

(3)  Subsections 23 (3) to (12) apply with necessary modifications to an order made under this section. 2004, c. 19, s. 23 (19).

**Section Amendments with date in force (d/m/y)**

[2004, c. 19, s. 23 (19)](http://www.ontario.ca/laws/statute/S04019" \l "s23s19) - 01/07/2005

[2019, c. 14, Sched. 10, s. 19 (1)](http://www.ontario.ca/laws/statute/S19014" \l "sched10s19s1) - 10/12/2019

part vi  
Conduct and offences

Note: On a day to be named by proclamation of the Lieutenant Governor, the heading before section 24 of the Act is repealed and the following substituted: (See: 2017, c. 33, Sched. 5, s. 22 (1))

Part VI  
Conduct

Notice of changes to registrar

**24** (1)  Every registrant shall, within five days after the event, notify the registrar in writing of,

(a) any change in address for service; or

(b) in the case of a corporation or partnership, any change in the officers or directors. 2002, c. 30, Sched. D, s. 24 (1).

Timing

(2)  The registrar shall be deemed to have been notified on the day on which he or she is actually notified or, where the notification is by mail, on the day of mailing. 2002, c. 30, Sched. D, s. 24 (2).

Financial statements

(3)  Every registrant shall, when required by the registrar, file a financial statement showing the matters specified by the registrar, signed by the registrant in the case of a sole proprietorship or by an officer of the registrant if the registrant is a partnership or corporation and certified by a person licensed under the Public Accounting Act, 2004. 2002, c. 30, Sched. D, s. 24 (3); 2004; c. 8, s. 46; 2011, c. 1, Sched. 2, s. 8 (2).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 24 (3) of the Act is repealed and the following substituted: (See: 2017, c. 33, Sched. 5, s. 22 (2))

Financial statements

(3)  When required by the registrar, every registered travel seller shall file a financial statement that,

(a) shows the matters that the registrar specifies;

(b) is signed by the travel seller in the case of a sole proprietorship or by an officer of the travel seller in the case of a partnership or corporation; and

(c) is certified by a person licensed under the Public Accounting Act, 2004. 2017, c. 33, Sched. 5, s. 22 (2).

Same

(4)  The registrar may require that registrants with a prescribed value of sales submit financial statements on a quarterly basis. 2002, c. 30, Sched. D, s. 24 (4).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 24 (4) of the Act is repealed and the following substituted: (See: 2017, c. 33, Sched. 5, s. 22 (2))

Same

(4)  The registrar may require that registered travel sellers with a prescribed value of sales submit financial statements on a quarterly basis. 2017, c. 33, Sched. 5, s. 22 (2).

Confidential

(5)  The information contained in a financial statement filed under subsection (3) is confidential and no person shall otherwise than in the ordinary course of the person’s duties communicate any such information or allow access to the financial statement. 2002, c. 30, Sched. D, s. 24 (5).

**Section Amendments with date in force (d/m/y)**

[2004, c. 8, s. 46, Table](http://www.ontario.ca/laws/statute/S04008" \l "s46s1) - 01/11/2005

[2011, c. 1, Sched. 2, s. 8 (2)](http://www.ontario.ca/laws/statute/S11001" \l "sched2s8s2) - 30/03/2011

[2017, c. 33, Sched. 5, s. 22 (2)](http://www.ontario.ca/laws/statute/S17033" \l "sched5s22s2) - not in force

Liability for deposits

**25** (1)  Where any person is entitled to the repayment of any money paid for or on account of a travel service, any travel agent and any travel wholesaler who received such money or any part thereof is liable jointly and severally with any other person liable therefore, for the repayment of such money to the extent of the amount received by him, her or it. 2002, c. 30, Sched. D, s. 25 (1).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 25 (1) of the Act is repealed and the following substituted: (See: 2017, c. 33, Sched. 5, s. 23)

Liability for deposits

(1)  If any person is entitled to the repayment of any money paid for or on account of a travel service, any travel seller or prescribed travel salesperson that received the money or any part of it is liable jointly and severally with any other person liable for the money or any part of it, for repaying the money to the extent of the amount of it that the travel seller or prescribed travel salesperson received. 2017, c. 33, Sched. 5, s. 23.

Exception

(2)  Subsection (1) does not apply if,

(a) the travel agent or travel wholesaler has properly disbursed the money received;

(b) the travel agent or travel wholesaler has acted in good faith and at arm’s length with the person with whom he, she or it would be jointly and severally liable under subsection (1); and

(c) the person with whom the travel agent or travel wholesaler would be jointly and severally liable under subsection (1) is not in breach of a requirement to be registered under this Act. 2004, c. 19, s. 23 (20).

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 25 (2) of the Act is repealed and the following substituted: (See: 2017, c. 33, Sched. 5, s. 23)

Exception

(2)  Subsection (1) does not apply if,

(a) the travel seller or prescribed travel salesperson has properly disbursed the money received;

(b) the travel seller or prescribed travel salesperson has acted in good faith and at arm’s length with the person with whom the travel seller or prescribed travel salesperson would be jointly and severally liable under subsection (1); and

(c) the person with whom the travel seller or prescribed travel salesperson would be jointly and severally liable under subsection (1) is not in breach of a requirement to be registered under this Act. 2017, c. 33, Sched. 5, s. 23.

**Section Amendments with date in force (d/m/y)**

[2004, c. 19, s. 23 (20)](http://www.ontario.ca/laws/statute/S04019" \l "s23s20) - 01/07/2005

[2017, c. 33, Sched. 5, s. 23](http://www.ontario.ca/laws/statute/S17033" \l "sched5s23) - not in force

Falsifying information

**26** No registrant shall falsify, assist in falsifying or induce or counsel another person to falsify or assist in falsifying any information or document relating to the provision of travel services. 2002, c. 30, Sched. D, s. 26.

Furnishing false information

**27** No registrant shall furnish, assist in furnishing or induce or counsel another person to furnish or assist in furnishing any false or deceptive information or documents relating to the provision of travel services. 2002, c. 30, Sched. D, s. 27.

False advertising

**28** No registrant shall make false, misleading or deceptive statements in any advertisement, circular, pamphlet or material published by any means relating to the provision of travel services. 2002, c. 30, Sched. D, s. 28.

Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by adding the following headings before section 29: (See: 2017, c. 33, Sched. 5, s. 24)

Part VI.1  
Enforcement

General

Order of registrar re: false advertising

**29** (1)  If the registrar believes on reasonable grounds that a registrant is making a false, misleading or deceptive statement in any advertisement, circular, pamphlet or material published by any means, the registrar may,

(a) order the cessation of the use of such material;

(b) order the registrant to retract the statement or publish a correction of equal prominence to the original publication; or

(c) order both a cessation described in clause (a) and a retraction or correction described in clause (b). 2002, c. 30, Sched. D, s. 29 (1).

Procedures

(2)  Section 11 applies with necessary modifications to an order under this section in the same manner as to a proposal by the registrar to refuse a registration. 2002, c. 30, Sched. D, s. 29 (2).

Effect

(3)  The order of the registrar shall take effect immediately, but the Tribunal may grant a stay until the registrar’s order becomes final. 2002, c. 30, Sched. D, s. 29 (3).

Pre-approval

(4)  If the registrant does not appeal an order under this section or if the order or a variation of it is upheld by the Tribunal, the registrant shall, upon the request of the registrar, submit all statements in any advertisement, circular, pamphlet or material to be published by any means to the registrar for approval before publication for such period as the registrar specifies. 2002, c. 30, Sched. D, s. 29 (4); 2004, c. 19, s. 23 (21).

Specified period

(5)  The registrar shall not specify under subsection (4) a period,

(a) that exceeds such period as may be prescribed; or

(b) any part of which falls outside such period as may be prescribed. 2004, c. 19, s. 23 (22).

**Section Amendments with date in force (d/m/y)**

[2004, c. 19, s. 23 (21, 22)](http://www.ontario.ca/laws/statute/S04019" \l "s23s21) - 01/07/2005

Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section: (See: 2017, c. 33, Sched. 5, s. 25)

Compliance order

**29.1** (1)  If the director believes on reasonable grounds that a person has engaged or is engaging in any activity that contravenes any requirement under this Act, whether the activity constitutes an offence or not, the director may propose to make an order directing a person to comply with the requirement. 2017, c. 33, Sched. 5, s. 25.

Notice

(2)  The director shall serve on the person a notice of a proposed order described in subsection (1) and written reasons for making it. 2017, c. 33, Sched. 5, s. 25.

Request for hearing

(3)  The notice shall state that the person is entitled to a hearing by the Tribunal if the person, within 15 days after it is served, mails or delivers a notice in writing requesting a hearing to the Tribunal and the director. 2017, c. 33, Sched. 5, s. 25.

No hearing required

(4)  The director may make the order if the person does not request a hearing in accordance with subsection (3). 2017, c. 33, Sched. 5, s. 25.

Hearing

(5)  If, in accordance with subsection (3), the person requests a hearing, the Tribunal shall hold the hearing. 2017, c. 33, Sched. 5, s. 25.

Tribunal’s order

(6)  The Tribunal may order the director to make the proposed order or to refrain from making the proposed order or may make an order of its own in substitution for that of the director. 2017, c. 33, Sched. 5, s. 25.

Conditions

(7)  The Tribunal may attach to its order the conditions that it considers proper. 2017, c. 33, Sched. 5, s. 25.

Parties

(8)  The parties to proceedings before the Tribunal under this section are the director, the person who has requested the hearing and the other persons, if any, that the Tribunal specifies. 2017, c. 33, Sched. 5, s. 25.

**Section Amendments with date in force (d/m/y)**

[2017, c. 33, Sched. 5, s. 25](http://www.ontario.ca/laws/statute/S17033" \l "sched5s25) - not in force

Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section: (See: 2017, c. 33, Sched. 5, s. 26)

Immediate compliance order

**29.2** (1)  If, in the director’s opinion, it is in the public interest to do so, the director may make an order requiring compliance with a requirement under this Act. 2017, c. 33, Sched. 5, s. 26.

Same

(2)  The order takes effect as soon as it is served, in accordance with subsection (3), on the person named in it. 2017, c. 33, Sched. 5, s. 26.

Notice of order

(3)  Upon making an order for compliance under subsection (1), the director shall serve on the person named in the order a notice that includes the order, the written reasons for making it and the statement of the right that subsection 29.1 (3) requires be included in a notice mentioned in subsection 29.1 (2). 2017, c. 33, Sched. 5, s. 26.

Hearing

(4)  If, in accordance with the right described in subsection (3), the person named in the order requests a hearing, the Tribunal shall hold the hearing. 2017, c. 33, Sched. 5, s. 26.

Tribunal’s order

(5)  The Tribunal may confirm or set aside the order or exercise all other powers that it may exercise in a proceeding under section 29.1. 2017, c. 33, Sched. 5, s. 26.

Expiration of order

(6)  If, in accordance with the right described in subsection (3), the person named in the order requests a hearing,

(a) the order expires 15 days after the Tribunal receives the written request for a hearing; or

(b) the Tribunal may extend the time of expiration until the hearing is concluded, if a hearing is commenced within the 15-day period mentioned in clause (a). 2017, c. 33, Sched. 5, s. 26.

Same

(7)  Despite subsection (6), if the Tribunal is satisfied that the conduct of the person named in the order has delayed the commencement of the hearing, the Tribunal may extend the time of the expiration for the order,

(a) until the hearing commences; and

(b) once the hearing commences, until the hearing is concluded. 2017, c. 33, Sched. 5, s. 26.

Parties

(8)  The parties to proceedings before the Tribunal under this section are the director, the person who has requested the hearing and the other persons, if any, that the Tribunal specifies. 2017, c. 33, Sched. 5, s. 26.

**Section Amendments with date in force (d/m/y)**

[2017, c. 33, Sched. 5, s. 26](http://www.ontario.ca/laws/statute/S17033" \l "sched5s26) - not in force

Note: On a day to be named by proclamation of the Lieutenant Governor, the Act is amended by adding the following section: (See: 2017, c. 33, Sched. 5, s. 27)

Appeal

**29.3** Even if a party to a proceeding before the Tribunal appeals, under section 11 of the Licence Appeal Tribunal Act, 1999, an order of the Tribunal made under section 29.1 or 29.2, the order takes effect immediately but the Tribunal may grant a stay until the disposition of the appeal. 2017, c. 33, Sched. 5, s. 27.

**Section Amendments with date in force (d/m/y)**

[2017, c. 33, Sched. 5, s. 27](http://www.ontario.ca/laws/statute/S17033" \l "sched5s27) - not in force

Restraining orders

**30** (1)  If it appears to the director that a person is not complying with this Act or the regulations or an order made under this Act, the director may apply to the Superior Court of Justice for an order directing that person to comply, and, upon the application, the court may make such order as the court thinks fit. 2002, c. 30, Sched. D, s. 30 (1).

Same

(2)  Subsection (1) applies in addition to any other procedures that may be available to the director, whether or not the director has exercised his or her rights under such procedures. 2002, c. 30, Sched. D, s. 30 (2).

Appeal

(3)  An appeal lies to the Divisional Court from an order made under subsection (1). 2002, c. 30, Sched. D, s. 30 (3).

Offence

**31** (1)  A person is guilty of an offence who,

(a) furnishes false information in any application under this Act or in any statement or return required under this Act;

(b) fails to comply with any order, other than an order made under section 18, direction or other requirement under this Act; or

(c) contravenes or fails to comply with any section of this Act or the regulations made under this Act, other than a code of ethics established by the Minister under section 42. 2002, c. 30, Sched. D, s. 31 (1).

Corporations

(2)  An officer or director of a corporation is guilty of an offence if he or she fails to take reasonable care to prevent the corporation from committing an offence mentioned in subsection (1). 2002, c. 30, Sched. D, s. 31 (2).

Penalties

(3)  An individual who is convicted of an offence under this Act is liable to a fine of not more than $50,000 or to imprisonment for a term of not more than two years less a day, or both, and a corporation that is convicted of an offence under this Act is liable to a fine of not more than $250,000. 2002, c. 30, Sched. D, s. 31 (3).

Limitation

(4)  No proceeding under this section shall be commenced more than two years after the facts upon which the proceeding is based first came to the knowledge of the director. 2002, c. 30, Sched. D, s. 31 (4).

Orders for compensation, restitution

**32** (1)  If a person is convicted of an offence under this Act, the court making the conviction may, in addition to any other penalty, order the person convicted to pay compensation or make restitution. 2002, c. 30, Sched. D, s. 32 (1).

If insurance has paid

(2)  If an order is made in a person’s favour under subsection (1) and that person has already received compensation or restitution from an insurer or the Fund, the person ordered to pay the compensation or make restitution shall deliver the amount to the insurer or the Fund, as the case may be. 2002, c. 30, Sched. D, s. 32 (2).

Default in payment of fines

**33** (1)  If a fine payable as a result of a conviction for an offence under this Act is in default for at least 60 days, the director may disclose to a consumer reporting agency the name of the defaulter, the amount of the fine and the date the fine went into default. 2002, c. 30, Sched. D, s. 33 (1).

If payment made

(2)  Within 10 days after the director has notice that the fine has been paid in full, the director shall inform the consumer reporting agency of the payment. 2002, c. 30, Sched. D, s. 33 (2).

Transition

(3)  If a fine is payable as a result of a conviction under the Travel Industry Act, then, despite the repeal of that Act, the director may treat the fine as if it is payable as a result of a conviction under this Act, and subsections (1) and (2) apply to such fine in like manner as they apply to a fine payable for a conviction under this Act. 2002, c. 30, Sched. D, s. 33 (3).

Liens and charges

**34** (1)  If a fine payable as a result of a conviction for an offence under this Act is in default for at least 60 days, the director may by order create a lien against the property of the person who is liable to pay the fine. 2002, c. 30, Sched. D, s. 34 (1).

Liens on personal property

(2)  If the lien created by the director under subsection (1) relates to personal property,

(a) the Personal Property Security Act, except Part V, applies with necessary modifications to the lien, despite clause 4 (1) (a) of that Act;

(b) the lien shall be deemed to be a security interest that has attached for the purposes of the Personal Property Security Act; and

(c) the director may perfect the security interest referred to in clause (b) for the purposes of the Personal Property Security Act by the registration of a financing statement under that Act. 2002, c. 30, Sched. D, s. 34 (2).

Liens and charges on real property

(3)  If the lien created by the director under subsection (1) relates to real property, the director may register the lien against the property of the person liable to pay the fine in the proper land registry office and on registration, the obligation under the lien becomes a charge on the property. 2002, c. 30, Sched. D, s. 34 (3).

Initiation of sale proceedings prohibited

(4)  The director shall not initiate sale proceedings in respect of any real property against which he or she has registered a lien under subsection (3). 2002, c. 30, Sched. D, s. 34 (4).

Proceeds of sale

(5)  If a lien is perfected by registration under subsection (2) or is registered against real property under subsection (3) and the related real or personal property is sold, the director shall ensure that the funds he or she receives as a result of the sale are used to pay the fine. 2002, c. 30, Sched. D, s. 34 (5).

Discharge of lien

(6)  Within 10 days after the director has knowledge of the payment in full of the fine, the director shall,

(a) discharge the registration of any financing statement registered under clause (2) (c); and

(b) register a discharge of a charge created on registration of a lien under subsection (3). 2002, c. 30, Sched. D, s. 34 (6).

Note: On a day to be named by proclamation of the Lieutenant Governor, Part VI.1 of the Act is amended by adding the following sections: (See: 2017, c. 33, Sched. 5, s. 28)

Administrative Penalties

Assessors

**34.1**(1)  The registrar is, by virtue of the registrar’s office, an assessor. 2017, c. 33, Sched. 5, s. 28.

Appointment

(2)  The registrar shall appoint in writing persons to be assessors who are authorized to make an order under section 34.2 imposing an administrative penalty. 2017, c. 33, Sched. 5, s. 28.

**Section Amendments with date in force (d/m/y)**

[2017, c. 33, Sched. 5, s. 28](http://www.ontario.ca/laws/statute/S17033" \l "sched5s28) - not in force

Order

**34.2**(1)  An assessor may, by order, impose an administrative penalty against a person in accordance with this section and the regulations made by the Minister if the assessor is satisfied that the person has contravened or is contravening,

(a) a prescribed provision of this Act or the regulations; or

(b) a condition of registration, if the person is a registrant. 2017, c. 33, Sched. 5, s. 28.

To whom payable

(2)  An administrative penalty is payable to the administrative authority. 2017, c. 33, Sched. 5, s. 28.

Purpose

(3)  An administrative penalty may be imposed under this section for one or more of the following purposes:

1. To ensure compliance with this Act and the regulations.

2. To prevent a person from deriving, directly or indirectly, any economic benefit as a result of contravening a provision of this Act or the regulations. 2017, c. 33, Sched. 5, s. 28.

Amount

(4)  The amount of an administrative penalty shall reflect the purpose of the penalty and shall be determined in accordance with the regulations made by the Minister, but the amount of the penalty shall not exceed $10,000. 2017, c. 33, Sched. 5, s. 28.

Form of order

(5)  An order made under subsection (1) imposing an administrative penalty against a person shall be in the form that the registrar determines. 2017, c. 33, Sched. 5, s. 28.

Service of order

(6)  The order shall be served on the person against whom the administrative penalty is imposed in the manner that the registrar determines. 2017, c. 33, Sched. 5, s. 28.

Absolute liability

(7)  An order made under subsection (1) imposing an administrative penalty against a person applies even if,

(a) the person took all reasonable steps to prevent the contravention on which the order is based; or

(b) at the time of the contravention, the person had an honest and reasonable belief in a mistaken set of facts that, if true, would have rendered the contravention innocent. 2017, c. 33, Sched. 5, s. 28.

No effect on offences

(8)  For greater certainty, nothing in subsection (7) affects the prosecution of an offence. 2017, c. 33, Sched. 5, s. 28.

Other measures

(9)  Subject to section 34.4, an administrative penalty may be imposed alone or in conjunction with the exercise of any measure against a person provided by this Act or the regulations, including the application of conditions to a registration by the registrar, the suspension, immediate suspension or revocation of a registration or the refusal to renew a registration. 2017, c. 33, Sched. 5, s. 28.

Limitation

(10)  An assessor shall not make an order under subsection (1) more than two years after the day the assessor became aware of the person’s contravention on which the order is based. 2017, c. 33, Sched. 5, s. 28.

No hearing required

(11)  Subject to the regulations made by the Minister, an assessor is not required to hold a hearing or to afford a person an opportunity for a hearing before making an order under subsection (1) against the person. 2017, c. 33, Sched. 5, s. 28.

Non-application of other Act

(12)  The Statutory Powers Procedure Act does not apply to an order of an assessor made under subsection (1). 2017, c. 33, Sched. 5, s. 28.

**Section Amendments with date in force (d/m/y)**

[2017, c. 33, Sched. 5, s. 28](http://www.ontario.ca/laws/statute/S17033" \l "sched5s28) - not in force

Appeal

**34.3**(1)  In this section,

“appeal body” means the person prescribed by the Minister or, if no person is prescribed by the Minister, the Tribunal. 2017, c. 33, Sched. 5, s. 28.

Same

(2)  The person against whom an order made under subsection 34.2 (1) imposes an administrative penalty may appeal the order to the appeal body by delivering a written notice of appeal to the appeal body within 15 days after receiving the order. 2017, c. 33, Sched. 5, s. 28.

If no appeal

(3)  If the appellant does not appeal the order in accordance with subsection (2), the order is confirmed. 2017, c. 33, Sched. 5, s. 28.

Hearing

(4)  If the appellant appeals the order in accordance with subsection (2), the appeal body shall hold a hearing and may, by order, confirm, revoke or vary the assessor’s order and the appeal body may attach conditions to its order. 2017, c. 33, Sched. 5, s. 28.

Parties

(5)  The assessor, the appellant and the other persons that the appeal body specifies are parties to the appeal. 2017, c. 33, Sched. 5, s. 28.

Non-application of other Act

(6)  If the appeal body is not the Tribunal, the Statutory Powers Procedure Act does not apply to an order of an assessor appealed under subsection (2). 2017, c. 33, Sched. 5, s. 28.

Immediate effect

(7)  Even if the appellant appeals an order of the appeal body, the order takes effect immediately, unless the order provides otherwise, but the Divisional Court may grant a stay until the disposition of the appeal. 2017, c. 33, Sched. 5, s. 28.

**Section Amendments with date in force (d/m/y)**

[2017, c. 33, Sched. 5, s. 28](http://www.ontario.ca/laws/statute/S17033" \l "sched5s28) - not in force

Effect of paying penalty

**34.4**If a person against whom an order imposing an administrative penalty is made pays the penalty in accordance with the terms of the order or, if the order is varied on appeal, in accordance with the terms of the varied order, the person cannot be charged with an offence under this Act in respect of the same contravention on which the order is based and no other prescribed measure shall be taken against the person in respect of the same contravention on which the order is based. 2017, c. 33, Sched. 5, s. 28.

**Section Amendments with date in force (d/m/y)**

[2017, c. 33, Sched. 5, s. 28](http://www.ontario.ca/laws/statute/S17033" \l "sched5s28) - not in force

Enforcement

**34.5**(1)  If a person against whom an order imposing an administrative penalty is made fails to pay the penalty in accordance with the terms of the order or, if the order is varied on appeal, in accordance with the terms of the varied order, the order may be filed with the Superior Court of Justice and enforced as if it were an order of the court. 2017, c. 33, Sched. 5, s. 28.

Date of order

(2)  For the purposes of section 129 of the Courts of Justice Act, the date on which the order is filed with the court shall be deemed to be the date of the order. 2017, c. 33, Sched. 5, s. 28.

Liens and charges

(3)  If a person against whom an order imposing an administrative penalty is made fails to pay the penalty in accordance with the terms of the order or, if the order is varied on appeal, in accordance with the terms of the varied order, the director may, by order, create a lien against the property of the person that is liable to pay the penalty. 2017, c. 33, Sched. 5, s. 28.

Application of s. 34

(4)  Subsections 34 (2) to (6) apply to the lien, with necessary modifications, as if it were a lien created by the director under subsection 34 (1) and references to the fine shall be read as references to the administrative penalty. 2017, c. 33, Sched. 5, s. 28,

**Section Amendments with date in force (d/m/y)**

[2017, c. 33, Sched. 5, s. 28](http://www.ontario.ca/laws/statute/S17033" \l "sched5s28) - not in force

part vii  
General

Confidentiality

**35** (1)  A person who obtains information in the course of exercising a power or carrying out a duty related to the administration of this Act or the regulations shall preserve secrecy with respect to the information and shall not communicate the information to any person except,

(a) as may be required in connection with a proceeding under this Act or in connection with the administration of this Act or the regulations;

(b) to a ministry, department or agency of a government engaged in the administration of legislation similar to this Act or legislation that protects consumers or to any other entity to which the administration of legislation similar to this Act or legislation that protects consumers has been assigned;

(b.1) as authorized under the Regulatory Modernization Act, 2007;

(c) to a prescribed entity or organization, if the purpose of the communication is consumer protection;

(d) to a law enforcement agency;

(e) to his, her or its counsel; or

(f) with the consent of the person to whom the information relates. 2004, c. 19, s. 23 (23); 2007, c. 4, s. 43.

Testimony

(2)  Except in a proceeding under this Act, no person shall be required to give testimony in a civil proceeding with regard to information obtained in the course of exercising a power or carrying out a duty related to the administration of this Act or the regulations. 2004, c. 19, s. 23 (23).

**Section Amendments with date in force (d/m/y)**

[2004, c. 19, s. 23 (23)](http://www.ontario.ca/laws/statute/S04019" \l "s23s23) - 01/07/2005

[2007, c. 4, s. 43](http://www.ontario.ca/laws/statute/S07004" \l "s43) - 17/01/2008

Service

**36** (1)  Any notice, order or request is sufficiently given or served if it is,

(a) delivered personally;

(b) sent by registered mail; or

(c) sent by another manner if the sender can prove receipt of the notice, order or request. 2002, c. 30, Sched. D, s. 36 (1).

Deemed service

(2)  If service is made by registered mail, the service shall be deemed to be made on the third day after the day of mailing unless the person on whom service is being made establishes that the person did not, acting in good faith, through absence, accident, illness or other cause beyond the person’s control, receive the notice or order until a later date. 2002, c. 30, Sched. D, s. 36 (2).

Exception

(3)  Despite subsections (1) and (2), the Tribunal may order any other method of service it considers appropriate in the circumstances. 2002, c. 30, Sched. D, s. 36 (3).

Fees

**37** (1)  The Minister may by order establish fees that are payable under this Act in respect of registration, renewal of registration, late filings and other administrative matters. 2002, c. 30, Sched. D, s. 37 (1).

Exception

(2)  Subsection (1) does not apply if there is a designated administrative authority. 2002, c. 30, Sched. D, s. 37 (2).

*Legislation Act, 2006*, Part III

(3)  An order made under this section is not a regulation for the purposes of Part III (Regulations) of the Legislation Act, 2006. 2002, c. 30, Sched. D, s. 37 (3); 2006, c. 21, Sched. F, s. 136 (1).

**Section Amendments with date in force (d/m/y)**

[2006, c. 21, Sched. F, s. 136 (1)](http://www.ontario.ca/laws/statute/S06021" \l "schedfs136s1) - 25/07/2007

[2012, c. 8, Sched. 11, s. 52 (5)](http://www.ontario.ca/laws/statute/S12008" \l "sched11s52s5) - no effect -see [2020, c. 14, Sched. 8, s. 21](http://www.ontario.ca/laws/statute/S20014" \l "sched8s21) - 14/07/2020

Certificate as evidence

**38** (1)  For all purposes in any proceeding, a statement purporting to be certified by the director is, without proof of the office or signature of the director, admissible in evidence as proof in the absence of evidence to the contrary, of the facts stated in it in relation to,

(a) the registration or non-registration of any person;

(b) the filing or non-filing of any document or material required or permitted to be filed with the registrar;

(c) the time when the facts upon which the proceedings are based first came to the knowledge of the director; or

(d) any other matter pertaining to registration or non-registration of persons or to filing or non-filing of information. 2002, c. 30, Sched. D, s. 38 (1).

Proof of document

(2)  Any document made under this Act that purports to be signed by the director or a certified copy of the document is admissible in evidence in any proceeding as proof, in the absence of evidence to the contrary, that the document is signed by the director without proof of the office or signature of the director. 2002, c. 30, Sched. D, s. 38 (2).

Names and information concerning registrants

**39** (1)  As required by regulation, the registrar shall make available to the public the names of registrants and other information, as prescribed, in respect of registrants. 2002, c. 30, Sched. D, s. 39 (1).

Same

(2)  The names of registrants shall be made available in the prescribed form and manner and with such information as is prescribed. 2002, c. 30, Sched. D, s. 39 (2).

Transition

**40** Despite the repeal of the Travel Industry Act, any person who was registered as a travel agent or travel wholesaler under that Act immediately before this Act is proclaimed into force shall be deemed to be registered as a travel agent or travel wholesaler, as the case may be, under this Act until the person is required to renew their registration under this Act. 2002, c. 30, Sched. D, s. 40.

Note: On a day to be named by proclamation of the Lieutenant Governor, section 40 of the Act is repealed. (See: 2017, c. 33, Sched. 5, s. 29)

**Section Amendments with date in force (d/m/y)**

[2017, c. 33, Sched. 5, s. 29](http://www.ontario.ca/laws/statute/S17033" \l "sched5s29) - not in force

Part VIII  
Travel Industry Compensation Fund

Compensation Fund

**41** (1)  The Travel Industry Compensation Fund established under the Travel Industry Act is continued. 2002, c. 30, Sched. D, s. 41 (1).

Regulations

(2)  The Fund shall be administered and managed in accordance with the regulations. 2002, c. 30, Sched. D, s. 41 (2).

part ix  
regulations

Minister’s regulations

**42** (1)  The Minister may make regulations,

(a) establishing a code of ethics for the purposes of subsection 18 (1);

(b) governing the jurisdiction and procedures of any committee established under this Act;

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 42 (1) of the Act is amended by adding the following clauses: (See: 2017, c. 33, Sched. 5, s. 30 (1))

(b.1) governing administrative penalties that an assessor may order and all matters necessary and incidental to the administration of a system of administrative penalties, including,

(i) specifying the amount of an administrative penalty or providing for the determination of the amount of an administrative penalty by specifying the method of calculating the amount and the criteria to be considered in determining the amount,

(ii) providing for different amounts to be paid, or different calculations or criteria to be used, depending on the circumstances that gave rise to the administrative penalty or the time at which the penalty is paid,

(iii) specifying information that must be included in an order for payment of an administrative penalty,

(iv) governing the procedure for making an order under section 34.2 for an administrative penalty and the rights of the parties affected by the procedure, including the time at which the order is deemed to be served on the person against whom the order is made, and

(v) governing the appeal of an order for payment of an administrative penalty;

(b.2) specifying the purposes for which the administrative authority may use the funds that it collects as administrative penalties;

(c) respecting any matter that is delegated by the Lieutenant Governor in Council to the Minister under paragraph 41 of subsection 43 (1). 2002, c. 30, Sched. D, s. 42 (1); 2004, c. 19, s. 23 (24).

Code of ethics

(1.1)  A regulation under clause (1) (c) may be made as part of the code of ethics established under clause (1) (a). 2004, c. 19, s. 23 (25).

Delegation

(2)  Despite subsection 3 (4) of the Safety and Consumer Statutes Administration Act, 1996, the Minister may, by regulation, delegate to the board of the administrative authority the power to make some or all of the regulations under subsection (1), subject to the approval of the Minister. 2004, c. 19, s. 23 (26).

Approval

(3)  The Minister may approve or refuse to approve the regulations but approval shall not be given unless, in his or her opinion, they have been made in accordance with the consultation criteria and process set out in the administrative agreement described in subsection 4 (1) of the Safety and Consumer Statutes Administration Act, 1996. 2002, c. 30, Sched. D, s. 42 (3).

Revocation, transition

(4)  The Minister may, by regulation, revoke a delegation to the board of the administrative authority under subsection (2), but the revocation of a delegation does not result in the revocation of any regulation made by the board of the administrative authority under the delegated power before the revocation of the delegation, and the board’s regulation remains valid. 2004, c. 19, s. 23 (26).

Residual authority to act

(4.1)  Despite any delegation under this section to the board of the administrative authority and without having to revoke the delegation, the Minister continues to have authority to make regulations in respect of the matter that is the subject of the delegation. 2009, c. 33, Sched. 10, s. 15 (2).

Conflicts

(5)  If there is a conflict between a regulation made under this section and a regulation made by the Lieutenant Governor in Council under section 43, the latter prevails. 2002, c. 30, Sched. D, s. 42 (5).

(6)  Repealed: 2017, c. 33, Sched. 5, s. 30 (2).

**Section Amendments with date in force (d/m/y)**

[2004, c. 19, s. 23 (24-26)](http://www.ontario.ca/laws/statute/S04019" \l "s23s24) - 01/07/2005

[2009, c. 33, Sched. 10, s. 15 (2)](http://www.ontario.ca/laws/statute/S09033" \l "sched10s15s2) - 15/12/2009

[2012, c. 8, Sched. 11, s. 52 (4)](http://www.ontario.ca/laws/statute/S12008" \l "sched11s52s4) - no effect -see [2020, c. 14, Sched. 8, s. 21](http://www.ontario.ca/laws/statute/S20014" \l "sched8s21) - 14/07/2020

[2017, c. 33, Sched. 5, s. 30 (1)](http://www.ontario.ca/laws/statute/S17033" \l "sched5s30s1) - not in force; [2017, c. 33, Sched. 5, s. 30 (2)](http://www.ontario.ca/laws/statute/S17033" \l "sched5s30s2) - 14/12/2017

Lieutenant Governor in Council regulations

**43** (1)  The Lieutenant Governor in Council may make regulations,

1. exempting any person or class of persons from any provision of this Act or the regulations and attaching conditions to an exemption;

2. respecting applications for registration or renewal of registration and prescribing conditions of registration;

2.1 governing educational requirements for applicants for registration, applicants for renewal of registration and registrants, and their employees and contractors, including,

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 2.1 of subsection 43 (1) of the Act is amended by striking out “and their employees and contractors” in the portion before subparagraph i. (See: 2017, c. 33, Sched. 5, s. 31 (1))

i. requiring them to meet educational requirements specified by the board of the administrative authority, the Minister, the director or the registrar or to complete a program of studies that has been, or take one or more courses that have been, designated by the board of the administrative authority, the Minister, the director or the registrar,

ii. authorizing the board of the administrative authority, the Minister, the director or the registrar to designate organizations that are authorized to provide the programs and courses designated under subparagraph i, and

iii. requiring that all educational requirements specified under subparagraph i and the list of all programs and courses designated under that subparagraph be made available to the public;

3. providing for the expiration and renewal of registrations;

3.1 prescribing requirements for the purposes of subsections 7.1 (1) and 8 (1);

4. governing the composition of the discipline committee and the appeals committee and, subject to subsection 18 (3), governing matters relating to the appointment of the members of those committees;

5. prescribing a maximum fine to be imposed for contravention of the code of ethics;

6. respecting financial security requirements for registrants or any class of registrants, including requiring them to be bonded or insured or have collateral security, and prescribing the forfeiture of bonds, the disposition of proceeds and other terms related to the financial security requirements;

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 43 (1) of the Act is amended by adding the following paragraph: (See: 2017, c. 33, Sched. 5, s. 31 (2))

6.1 governing the administration of the financial security that the administrative authority receives from registrants;

7. if there is a requirement that registrants or any class of registrants be insured, prescribing the minimum amount of insurance for which they must be insured and prescribing the insurers with which they must be insured;

8. regulating the management and operation of branch offices of travel agents and permitting the registrar to determine whether an individual is qualified to manage or supervise an office operated by a travel agent;

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 8 of subsection 43 (1) of the Act is repealed and the following substituted: (See: 2017, c. 33, Sched. 5, s. 31 (3))

8. regulating the management and operation of branch offices of travel sellers who sell, to consumers, travel services provided by another person and permitting the registrar to determine whether an individual is qualified to manage or supervise an office operated by such a travel seller;

9. governing contracts for the purchase or acquisition of travel services by travel wholesalers;

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 9 of subsection 43 (1) of the Act is repealed and the following substituted: (See: 2017, c. 33, Sched. 5, s. 31 (3))

9. governing contracts for the purchase or acquisition of travel services by travel sellers;

10. requiring registrants to provide, on request and in the prescribed circumstances, proof of registration and prescribing the nature of the proof and the manner in which it is to be provided;

11. requiring and governing the maintenance of trust accounts by registrants or any class of registrants, prescribing the money that shall be held in trust and the conditions of the trust and authorizing the registrar to specify the location at which such trust accounts must be kept;

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 11 of subsection 43 (1) of the Act is amended by adding “and to impose trust accounting requirements in certain cases based on the financial risk posed by the registrant” at the end. (See: 2017, c. 33, Sched. 5, s. 31 4))

12. setting out the manner in which trust accounts are wound down when a registration ends;

13. governing the documents and records that must be kept by registrants or any class of registrants, including the manner and location in which they are kept and the time periods for retaining such information and authorizing the registrar to specify the location at which they must be kept;

14. prescribing the responsibilities of registrants or any class of registrant;

Note: On a day to be named by proclamation of the Lieutenant Governor, subsection 43 (1) of the Act is amended by adding the following paragraph: (See: 2017, c. 33, Sched. 5, s. 31 (5))

14.1 prescribing the responsibilities of any person who is a former registrant, or any class of person that is a class of former registrant, in connection with or arising out of the business in respect of which the person or class of person was registered or in respect of which registration was required under this Act;

15. requiring registrants to provide information to the registrar concerning persons other than the registrants in order to assist in determining whether such persons are or may be interested persons;

16. prescribing information that a travel agent or travel wholesaler must disclose to a customer or to another registrant;

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 16 of subsection 43 (1) of the Act is repealed and the following substituted: (See: 2017, c. 33, Sched. 5, s. 31 (6))

16. prescribing information that a travel seller or travel salesperson must disclose to a customer or to another registrant;

17. governing the disclosure of names of registrants and other information concerning registrants;

18. respecting procedures and other matters related to complaints under section 16;

19. respecting inspections and investigations under this Act;

20. respecting the manner in which and the frequency with which decisions of the discipline committee and appeals committee are made available to the public;

21. governing procedures for hearings held by the Tribunal and providing for the responsibility for the payment of witness fees and expenses at proceedings before the Tribunal and prescribing the amounts of the fees and expenses;

22. varying the manner in which a notice under subsection 23 (7) or a lien under subsection 34 (3) is registered as a result of technological or electronic changes in the filing of documents in the land registry office;

23. prescribing information that must be provided to the registrar and requiring that specified information be verified by affidavit;

24. governing contracts for the sale of travel services;

25. governing the administration and maintenance of the Fund;

26. requiring that the Fund be held in trust and prescribing the terms of the trust;

27. requiring the participation in the Fund by travel agents and travel wholesalers;

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 27 of subsection 43 (1) of the Act is repealed and the following substituted: (See: 2017, c. 33, Sched. 5, s. 31 (7))

27. requiring travel sellers to participate in the Fund and governing their participation;

28. requiring and respecting payments into the Fund by travel agents and travel wholesalers and governing the amounts of the payments;

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 28 of subsection 43 (1) of the Act is repealed and the following substituted: (See: 2017, c. 33, Sched. 5, s. 31 (7))

28. requiring and respecting payments into the Fund by travel sellers and governing the amounts of the payments;

29. respecting the payment out of the Fund of claims and respecting the procedures and rules to be followed in respect of claims, including,

i. prescribing maximum amounts that may be paid out of the Fund in different circumstances,

ii. permitting the director, with the approval of the board of the administrative authority or, if there is no designated administrative authority, with the approval of the Minister, to authorize the payment out of the Fund of amounts exceeding the prescribed maximum amount in specified circumstances,

iii. prescribing rules that apply to payment out of the Fund of claims arising out of a major event, including the right to defer payment, to pay in instalments or to partially reimburse, and

iv. permitting the director to designate one or more events as a major event and prescribing the matters the director must consider in designating a major event;

29.1 permitting the director, in specified circumstances, to direct that payments be made from the Fund in order to enable or assist a person to depart on a trip immediately or to complete a trip that the person has begun, prescribing what constitutes or what is included in completion of a trip, and prescribing matters that the director may consider in deciding whether to make the direction;

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 29.1 of subsection 43 (1) of the Act is amended by striking out “the director” wherever that expression appears and substituting in each case “the registrar”. (See: 2017, c. 33, Sched. 5, s. 31 (8))

30. respecting the payment out of the Fund for matters relating to the administration and operation of the Fund;

31. prescribing the circumstances under which a registrant is required to reimburse the Fund for the payment of claims to customers of a registrant and prescribing rules respecting the time and manner for the reimbursement and the imposition of penalties and interest;

32. governing the reimbursement by registrants to the Fund for money paid out of the Fund to reimburse a customer of the registrant or to provide travel services to a customer of the registrant;

33. governing procedures and obligations if a participant is in default in making a payment to the Fund;

34. respecting the borrowing of money to supplement the Fund;

35. requiring decisions in respect of claims made against the Fund to be made available to the public, prescribing the manner in which the decisions are to be made available to the public, including requiring their publication, and governing the information contained in the decision which shall not be disclosed to the public;

36. requiring the registrar to make available to the public the names of registrants and prescribing the form and manner in which the names of registrants are made available and prescribing other information in respect of registrants that may be made available to the public;

37. requiring that any information required under this Act be in a form approved by the director, the registrar or the Minister, as specified in the regulation;

38. regulating advertising and representations or promises intended to induce the sale of travel services;

Note: On a day to be named by proclamation of the Lieutenant Governor, paragraph 38 of subsection 43 (1) of the Act is repealed and the following substituted: (See: 2017, c. 33, Sched. 5, s. 31 (9))

38. regulating advertising and representations or promises intended to induce the sale of travel services, whether or not made by a person who is registered, including those made to a consumer in Ontario by a person who is acting as a travel seller or travel salesperson in a jurisdiction other than Ontario;

39. Repealed: 2004, c. 19, s. 23 (33).

40. requiring registrants or classes of registrants to maintain business premises that comply with the prescribed rules;

41. delegating to the Minister the power to make regulations with respect to any matter that may be the subject of a regulation under this section;

42. prescribing rules relating to addresses for service under the Act;

43. providing for any transitional matter necessary for the effective implementation of this Act or the regulations;

44. governing the application of the Electronic Commerce Act, 2000 or any part of that Act to this Act;

45. prescribing any matter or thing that this Act refers to as being prescribed or in accordance with the regulations;

46. defining, for the purposes of this Act and the regulations, any word or expression that is used in this Act but not defined in this Act;

47. authorizing the director or the board of the administrative authority to conduct quality assurance programs in relation to the administration of this Act or the regulations and to use information collected under this Act for the purposes of those programs. 2002, c. 30, Sched. D, s. 43 (1); 2004, c. 19, s. 23 (27-34); 2017, c. 33, Sched. 5, s. 31 (10).

Residual authority to act

(2)  Despite any delegation to the Minister under this section and without having to revoke the delegation, the Lieutenant Governor in Council continues to have authority to make regulations in respect of the matter that is the subject of the delegation. 2002, c. 30, Sched. D, s. 43 (2).

Revocation, transition

(3)  The Lieutenant Governor in Council may, by regulation, revoke a delegation to the Minister under paragraph 41 of subsection (1), but the revocation of a delegation does not result in the revocation of any regulation that was made, before the revocation of the delegation,

(a) by the Minister under the delegated power; or

(b) by the board of the administrative authority pursuant to a delegation by the Minister under subsection 42 (2),

and the Minister’s or board’s regulation remains valid. 2004, c. 19, s. 23 (35).

Making regulation not a revocation

(4)  The making of a regulation to which subsection (2) applies by the Lieutenant Governor in Council shall not constitute the revocation of a delegation under this section unless the regulation so specifies. 2002, c. 30, Sched. D, s. 43 (4).

(5)  Repealed: 2017, c. 33, Sched. 5, s. 31 (11).

**Section Amendments with date in force (d/m/y)**

[2004, c. 19, s. 23 (27-35)](http://www.ontario.ca/laws/statute/S04019" \l "s23s27) - 01/07/2005

[2012, c. 8, Sched. 11, s. 52 (5)](http://www.ontario.ca/laws/statute/S12008" \l "sched11s52s5) - no effect -see [2020, c. 14, Sched. 8, s. 21](http://www.ontario.ca/laws/statute/S20014" \l "sched8s21) - 14/07/2020

[2017, c. 33, Sched. 5, s. 31 (1-9)](http://www.ontario.ca/laws/statute/S17033" \l "sched5s31s1) - not in force; [2017, c. 33, Sched. 5, s. 31 (10, 11)](http://www.ontario.ca/laws/statute/S17033" \l "sched5s31s10) - 14/12/2017

**44** Omitted (provides for coming into force of provisions of this Act). 2002, c. 30, Sched. D, s. 44.

**45** Omitted (enacts short title of this Act). 2002, c. 30, Sched. D, s. 45.

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