

Investigators and Provincial Offences Officers

TICO's Investigators and Provincial Offences Officers are appointed under the *Travel Industry Act, 2002* (the Act) and the *Provincial Offences Act, 1990*.

They are empowered to conduct investigations and lay charges under the Act and Ontario Regulation 26/05 made under the Act (the "Regulation").

Investigations

The law requires registrants to cooperate with an investigation.

Investigations usually start after receiving information from various sources, including:

- Referrals from TICO's Complaints Department
- Referrals from TICO's Compliance Department
- Consumer complaints,
- Other registrants.

If proven, investigations can result in:

- Prosecution,
- Issuance of a Notice of Proposal to Revoke or Suspend Registration.

Investigations fall into two broad categories:

Travel Industry Act, 2002 - Unregistered Activity

Section 4 of the Act states that no person shall act or hold himself, herself or itself out as being available to act as a travel agent or travel wholesaler without first being registered as such under the Act.

TICO investigates and prosecutes individuals who act as travel agents/wholesalers without registration.

Registrant Failure to Comply with the Act and Regulation

This typically involves allegations of failing to comply with the trust accounting requirements, failing to maintain minimum required working capital, or any other breach of the Act and Regulation.

Prosecutions

Offences under the Act and the Regulation are prosecuted before the Ontario Court of Justice, in accordance with the *Provincial Offences Act, 1990*. Individuals convicted of offences are subject to fines of up to \$50,000 and/or terms of imprisonment of up to two years less a day. Corporations are subject to fines of up to \$250,000.

For more information about the Ontario Court of Justice, please visit:

<http://www.ontariocourts.ca/ocj/provincial-offences/overview/>

If you have been charged with an offence under the Act and are a self-represented defendant, you may find this Guide to be a useful resource:

<http://www.ontariocourts.ca/ocj/files/guides/guide-provincial-offences.pdf>