

A Trip Completion Claim is a claim for reasonable expenses incurred to complete a trip where a customer or another person has begun a trip that cannot be completed because travel services have not been provided as the result of the failure of an Ontario registered travel agency or an Ontario registered travel wholesaler (tour operator).

The following conditions apply:

1. You must have purchased your travel services from an Ontario registered travel agency. Whether your travel purchase was in person, over the telephone and/or over the Internet, always ensure the company you purchase your travel services from is registered with TICO.
2. You have not received the travel services purchased due to the bankruptcy or insolvency of either:
  - An Ontario registered travel retailer (travel agency)
  - An Ontario registered travel wholesaler (tour operator)
3. You commenced your travel prior to the closure/failure of the Ontario registered travel retailer or travel wholesaler and were unable to receive the travel services purchased to complete your travel plans and have incurred reasonable expenses in destination (transportation, accommodation and meals) to complete your trip.

**\*\* NOTE:** Trip Completion Claims are not eligible when the non-provision of travel services is due to the closure/failure of an airline or cruise line. The claim filing deadline for a Trip Completion Claim is six months from the date of the failure.

## Useful Information about Trip Completion Claims

### Trip Completion Claims Against the Compensation Fund:

The provisions under Ontario Regulation 26/05 which regulate payments from Ontario's Travel Industry Compensation Fund has always included the ability to allow the repatriation of consumers, however, the authority to make such payments was at the discretion of the Statutory Director under the Ontario *Travel Industry Act, 2002*.

Effective July 1, 2010, claims may be filed against the Compensation Fund to provide reimbursement of reasonable expenses incurred (transportation, accommodation and meals) to complete a trip where the travel services have not been provided as the result of the closure of

a TICO registered travel retailer or a TICO registered travel wholesaler. Provided that the consumer purchased their original travel services from an Ontario registered travel retailer, trip completion claims may be eligible when the consumer's travel services commenced prior to the failure of the TICO registrant and the consumer is in destination and unable to receive the travel services purchased to complete their travel plans. It should be noted that an individual is not eligible to be reimbursed if he or she was notified that the Statutory Director has made alternate travel arrangements to repatriate him or her (pursuant to Section 69 of the Regulation) and the individual did not take advantage of those travel services arranged though it was possible to do so.

### **Reimbursement of Consumer for Trip Completion:**

Section 57.1(1) of the Regulation allows a consumer to make a claim on the Compensation Fund for reasonable expenses incurred to complete a trip where travel services have not been provided as the result of the failure of a TICO registered travel retailer or travel wholesaler.

In order to be eligible for compensation from the Compensation Fund, the customer must have booked through a registered Ontario travel agent and paid money to or through the travel agent.

- The customer must make a demand for payment from the registered travel agent and wholesaler, from any other person who received the customer's money or from any other person who may be legally obligated to reimburse or compensate the customer, including an insurance company.
- In order to be eligible for compensation from the Compensation Fund, the customer must not have been reimbursed by any other party.
- TICO will require claimants to provide proof that they have not been reimbursed by other parties prior to allowing the claim.

### **What is covered for a Trip Completion Claim?**

A consumer may only claim for the following reasonable expenses related to trip completion:

- The cost of airfare, car hires or other transportation required in order to bring the customer or other person to the final destination. The individual may also be returned home if it is preferable and does not exceed the cost to bring the person to the final destination.
- The cost of necessary accommodation and meals for the customer or other person before the trip can be completed.

- Costs related to obtaining access to money or making financing arrangements to enable one to pay for the above costs. For example, this could include costs of wire transfers or costs of phone calls and faxes to arrange for funds to be sent.

### **What is NOT covered for a Trip Completion Claim?**

An individual must make every reasonable effort to obtain services comparable to those originally purchased. Expenses may not be covered if there has been unreasonable upgrading of services.

- An individual must make every reasonable effort to travel as close to the originally scheduled travel date as possible. Consumers who chose to extend their vacation for an extra week, for example, would not be entitled to reimbursement for accommodation and meal expenses.
- An individual is not entitled to be reimbursed if the travel services were not provided because an end supplier became bankrupt or insolvent or ceased to carry on business. An individual is only entitled to reimbursement under this section if the services were not provided because a TICO registrant failed.
- An individual is not eligible to be reimbursed if he or she was notified that the Director had made alternate arrangements for him or her to travel pursuant to Section 69 of the Regulation and he or she did not take advantage of those arrangements though it was possible to do so.

A claimant is not entitled to be reimbursed for the following:

- payments for travel services that were provided or for which alternate travel services were made available;
- payments for travel services that were available, but were not received because of an act or a failure to act on the part of the customer or of another person for whom the travel services were purchased;
- counseling fees paid to a travel agent;
- amounts for travel services that were to be received as a prize, award or goodwill gesture;
- amounts for travel services that the customer obtained with a voucher, certificate, coupon or similar document that the customer did not pay for;
- amounts for travel services that the customer did not pay for with cash or by a cheque, credit card or other similar payment method;
- insurance premiums;
- expenses based on the cost, value or quality of the travel

- services or alternate travel services;
- expenses in connection with travel services that were provided under sections 68 or 69; and
- amounts for consequential or indirect damages incurred as a result of the failure to provide the services.

### **Claim Filing Deadline**

Trip Completion claims must be filed within 6 months after the relevant TICO registered travel retailer or TICO registered travel wholesaler becomes bankrupt or insolvent or ceases to carry on business.

### **Maximum Legislated Claim Amount**

Payments from the Compensation Fund are limited to the legislated maximum of \$5,000 per person.

### **Maximum Legislated Amount for Payments per Event**

The maximum amount that may be paid from the Compensation Fund for eligible claims arising out of an event (i.e. as a result of a failure of an Ontario travel retailer, Ontario travel wholesaler, airline or cruise line) is \$ 7 million as follows:

- **Standard Claims -** The maximum amount that may be paid from the Compensation Fund with respect to all standard claims (imminent departures) arising out of an event is \$5 million.
- **Trip Completion Claims -** The maximum amount that may be paid from the Compensation Fund with respect to all trip completion claims (repatriation) arising out of an event is \$2 million.

### **Pro-rated Payment of Claims**

Should the \$2 million maximum not be sufficient for the trip completion payments required in the case of a particular event, TICO may make additional payments from the Compensation Fund for trip completion (repatriation) that shall not exceed the \$5 million maximum reserved for standard claims as a result of the same event.

Therefore, should the total value of claims surpass the legislated maximum payment from the Compensation Fund, it will be necessary to pro-rate the payment for eligible claims.

### **Appeal Process**

In the event that the Board of Directors denies a claim, claimants are advised that they have the right to appeal the Board's decision and request a hearing before the Licence Appeal Tribunal. You will be notified in writing of the Board's decision. Section 71 of Ontario Regulation 26/05 entitles you to a hearing by the [Licence Appeal Tribunal \(LAT\)](#) with respect to the ineligible amount. Instructions on how to file an appeal with LAT is provided to claimants with TICO's written notice of the Board's decision. There is a \$100.00 fee payable to the Minister of Finance that must accompany your notice of appeal.