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Are you a “religious organization, amature sports team or unincorporated association” or do you operate as a “club”? If so, is your group or club breaking the law?

Ask yourself a few simple questions to find out:

- Does your group receive “direct or indirect gain or profit” by arranging travel services such as day and/or overnight tours? Yes No
- If your group organizes trips does it deposit the money into your regular bank account? Yes No
- Do you offer day or overnight tours to people who are not in your group? Yes No

If you answered yes to any of these questions, your group contravenend the Travel Industry Act of Ontario.

How can your group still travel/tour and not contravene the Travel Industry Act?

Use a licensed travel agent / retailer who is registered under the Travel Industry Act of Ontario and who plans tours. A *Travel Agent* is defined as “a person who sells, to consumers, travel services provided by another person”.

This Act has exemptions for some entities (“religious organizations, amature sports teams or unincorporated association” and “not-for-profit clubs”) but they must meet certain criteria to be exempt. This exemption covers only the provision of “overland travel services” if **ALL** of the following conditions are met:

- Travel services are provided only to members of the entity. A Travel Service is defined as transportation, sleeping accommodation or other services for the use of a traveller, tourist, or sightseer.
- The entity exists primarily for educational, cultural, religious or athletic purposes or is a “not-for-profit corporation operating as a club” and the travel services are provided for those purposes.
- Any funds received for the travel services must be deposited into a trust account and only disbursed to pay suppliers of the travel services or a travel agent.
- The entity, its members, employees and directors receive no direct or indirect gain or profit from the provision of the travel services other than participating in the travel services.
- The travel services do not include a destination located more than 2,000 kilometres from the departure point.
- The vehicle that is used for transportation must remain at the destination to ensure that return transportation is available.

Protection

Companies registered under the Travel Industry Act are required to meet strict financial criteria including working capital requirements and trust accounting thereby protecting travellers by holding payments in a trust account.

How can OMCA help?

- We can provide lists of our members who are legally registered as a travel agent/retailer and who plan group tours. Contact us at info@omca.com for the list.

Please refer to the Travel Industry Act of Ontario for details of the law. The above is for information purposes only and our interpretation of the Act. The Travel Industry Act can be found on the TICO website at www.tico.ca.

Founded in 1929, the OMCA is a full-service trade association representing 80 bus operators, over 100 tour operators and over 800 affiliated sellers to the group tour industry including attractions, destinations, hotels, and retail outlets across North America. Operator members provide scheduled intercity, charter, tour, school bus, contract, shuttle, airport and transit services. The OMCA works with all levels of government to outline the industry’s contributions and concerns regarding a seamless, sustainable public and private passenger transportation network.