

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

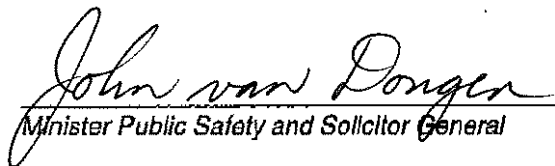
Order in Council No. 934 , Approved and Ordered DEC - 8 2008

  
Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders the following:

- 1 Effective April 1, 2009, section 8 of the Business Practices and Consumer Protection Regulation, B.C. Reg. 294/2004, is amended as set out in Schedule 1.
- 2 Effective April 1, 2009, the Travel Industry Regulation, B.C. Reg. 296/2004, is amended as set out in Schedule 2.
- 3 Effective December 1, 2009, the Travel Industry Regulation, B.C. Reg. 296/2004, is amended as set out in Schedule 3.

  
Minister Public Safety and Solicitor General

  
Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section:- Business Practices and Consumer Protection Act, R.S.B.C. 2004, c. 2, s. 131, 132, 143, 164, 194, 198 & 199

Other (specify):- OIC 656/2004. & 658/2004

November 3, 2008

R/990/2008/12

## SCHEDULE 1

***1 Section 8 of the Business Practices and Consumer Protection Regulation, B.C. Reg. 294/2004, is amended***

***(a) by adding the following paragraphs:***

***(d.1) section 9 (3) [prohibited and regulated acts or practices – visual advertisements];***

***(k.1) section 12.1 [receipts – licensees];,***

***(b) by repealing paragraphs (g) and (o), and***

***(c) by repealing paragraph (r) and substituting the following:***

***(r) section 17 (3) [payments to fund].***

## SCHEDULE 2

**1 Section 1 of the Travel Industry Regulation, B.C. Reg. 296/2004, is amended**

**(a) by adding the following definition:**

**“fiscal period”**, in relation to a licensee, means

- (a) subject to paragraph (c), a period that does not exceed 53 weeks chosen by the licensee as a fiscal year for financial reporting and income tax purposes,
- (b) subject to paragraph (c), the calendar year, if the licensee has not chosen a fiscal year referred to in paragraph (a), or
- (c) another period approved under section 12 by the director; ,

**(b) by repealing the definition of “travel service” and substituting the following:**

**“travel service”** means

- (a) transportation,
- (b) accommodation, or
- (c) another service combined with transportation or accommodation that is for the use or benefit of a traveller, tourist or sightseer; , **and**

**(c) in the definition of “travel wholesaler” by repealing paragraph (a).**

**2 Section 2 is amended**

**(a) by renumbering the section as section 2 (1),**

**(b) in subsection (1) (a) by striking out “sightseeing tours of a duration of not more than one day” and substituting “sightseeing or tour guide services”,**

**(c) by repealing subsection (1) (b) and (c),**

**(d) by repealing subsection (1) (f) and substituting the following:**

- (f) an operator of a motel, hotel or resort in respect of arranging local travel services that are incidental to the provision of accommodation. , **and**

**(e) by adding the following subsection:**

- (2) An operator of a motel, hotel or resort is exempt from the requirement to be licensed as a travel wholesaler in respect of those accommodations.

**3 Section 3 (a) to (d) is repealed and the following substituted:**

- (a) if the applicant is an individual, the individual is at least 19 years of age; .

**4 Section 4 is amended**

**(a) by renumbering the section as section 4 (1),**

**(b) in subsection (1) by striking out “\$400” and substituting “\$550”, and**

**(c) by adding the following subsection:**

- (2) Subject to any applicable fees set by the administrative authority, a person must pay a licence fee of \$550 to the director and submit the fee with the person's application for a licence.

**5 Section 7 is repealed.**

**6 Section 9 is amended**

**(a) in subsection (1) (a) by striking out “or from a private dwelling”;**

**(b) by repealing subsection (1) (b), and**

**(c) by adding the following subsection:**

- (3) A licensee must include the licensee's licence number in a visual advertisement respecting the licensee's business.

**7 Section 10 is amended**

**(a) in subsection (1) by adding the following paragraphs:**

- (c) if the licensee is a partnership, a change of partners in the partnership;  
(d) a change of name of the licensee. , **and**

**(b) by repealing subsection (3).**

**8 Section 11 (2) is amended by striking out “make available to the director the records of account” and substituting “provide to the director copies of the records of account”.**

**9 Section 12 is amended**

**(a) by adding the following subsection:**

- (0.1) In this section, “**generally accepted accounting principles**” means the principles recommended in the Handbook of the Canadian Institute of Chartered Accountants. ,

**(b) by repealing subsection (1) (a) and substituting the following:**

- (a) for the licensee's previous fiscal period, within 90 days of the end of the fiscal period. ,

**(c) by repealing subsections (2) and (3) and substituting the following:**

- (2) The financial statement must be in accordance with the following requirements:
- (a) be prepared in accordance with generally accepted accounting principles;
  - (b) contain the information required by the director;
  - (c) be an audited statement, if required by the director;
  - (d) be approved
    - (i) if the licensee is a corporation, by a majority of the directors of the corporation,

- (ii) if the licensee is a partnership, by all the partners of the partnership,  
or
- (iii) if the licensee is an individual, by the individual. , **and**

**(d) by adding the following subsection:**

- (5) For the purposes of the definition of “**fiscal period**” in section 1,
  - (a) the director may approve a period other than the fiscal year or calendar year to be the fiscal period for a licensee, and
  - (b) a licensee may not otherwise change the licensee’s fiscal period without the approval of the director.

**10 The following section is added:**

**Receipts**

**12.1** When a licensee receives a payment or refunds an amount for travel services, the licensee must give the person making the payment or receiving the refund a receipt that includes the following information:

- (a) the date the payment is received or amount is refunded;
- (b) the name and address of the person making the payment or receiving the refund;
- (c) the amount received or refunded and any outstanding balance;
- (d) a description of the services to be supplied, including the dates on which the travel services are to be supplied;
- (e) an itemized purchase price for the travel services to be supplied;
- (f) the conditions for the reimbursement of any money received;
- (g) the licensee’s name, address, telephone number and licence number;
- (h) if the licensee must deposit the payment into a trust account, that the payment will be deposited into a trust account.

**11 Section 13 (4) is repealed.**

**12 Section 14 is amended**

- (a) **in subsection (1) (b) by striking out** “calendar year or other period approved under section 12” **and substituting** “fiscal period”,
- (b) **in subsection (3) in the heading to the table by striking out** “calendar year” **and substituting** “fiscal period”, **and**
- (c) **in subsection (4) by striking out** “subsection (3)” **and substituting** “subsection (2) or (3)”.

**13 Section 17 is repealed and the following substituted:**

**Payments to fund**

- 17** (1) In this section, “**contribution period**” means

- (a) subject to paragraph (b), the contributor's fiscal period except the contributor's fiscal period in which the contributor's initial licence is issued if that initial licence is not issued on the first day of that fiscal period, and
  - (b) if a contributor's licence is cancelled or expires during the contributor's fiscal period, the period from the beginning of that contribution period to the date the licence is cancelled or expires.
- (2) Subject to any applicable amount set by the administrative authority, a contributor must pay \$500 to the fund when the contributor applies for a licence.
  - (3) Subject to any applicable amount set by the administrative authority, a contributor must pay for each contribution period the greater of the following amounts to the fund within 90 days of the end of the month in which the contribution period ends:
    - (a) \$100;
    - (b) an amount equal to 0.05% of the contributor's gross sales from acting as a travel agent or travel wholesaler in the contribution period.
  - (4) Subsection (3) does not apply to a contributor, in respect of all licences held by the contributor, if
    - (a) the book value of the fund is at least \$2 000 000, and
    - (b) the contributor has paid amounts under subsection (3) for successive contribution periods totalling 3 years.

**14 Section 18 (1) is amended**

**(a) in paragraph (b) by adding the following subparagraph:**

- (i.1) the customer is eligible to apply under paragraph (a) for compensation from the fund, ,

**(b) in paragraph (c) by striking out "contributor, the person" and substituting "contributor,"**

**(c) in paragraph (c) by adding "the person" at the beginning of subparagraphs (i), (ii) and (iii), and**

**(d) in paragraph (c) by adding the following subparagraph:**

- (i.1) the customer is eligible to apply under paragraph (a) for compensation from the fund, .

**15 Section 20 (a) is amended**

**(a) by striking out "if the person applies for compensation under section 18 (1) (a)," and substituting "in the case of a person applying for compensation under section 18 (1)," and**

**(b) in subparagraph (i) by striking out "section 18 (1) (a) (i) from the contributor and given the contributor" and substituting "section 18 (1) (a) (i), (b) (iv) or (c) (ii) from the contributor or travel service provider and given that person".**

### SCHEDULE 3

**1** *Section 13 of the Travel Industry Regulation, B.C. Reg. 296/2004, is amended by adding the following subsection:*

(0.1) In this section, “licensee” means a licensed travel wholesaler.

**2** *Section 14 (2) is repealed and the following substituted:*

(2) If the licensee is a travel agent, the licensee must provide security in the amount set out in the following table in respect of all travel agent licences held by that licensee:

<b>Item</b>	<b>Licensee's Total Sales in the previous fiscal period from acting as a travel agent</b>	<b>Amount of Security</b>
1	\$0 to \$4 999 999.99	\$15 000
2	\$5 000 000 to \$9 999 999.99	\$25 000
3	more than \$10 000 000	\$40 000