



**CONSUMER
PROTECTION BC**



Inspection Guide

Travel agents and wholesalers

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Introduction

Consumer Protection BC is responsible for the administration of the *Business Practices and Consumer Protection Act* (Act) and Travel Industry Regulation (Regulation). Together, the Act and Regulation govern the conduct of persons who engage in the business or occupation of travel agents and travel wholesalers and the licensing requirements for travel businesses in British Columbia.

This guide has been prepared to better inform and educate you on the compliance inspection process. As one of our licensed businesses it is your responsibility to conduct yourself and to operate your business to comply with the laws and conditions on the licences. We recommend you take the time needed to read this guide fully and to make sure that your managers and staff are familiar with the information.

This guide provides a reference point, so you know what to expect and how to prepare for our compliance inspections.

This is a general overview of the compliance inspections process. This guide is not intended to provide legal advice and it is not an exhaustive review of the legislative provisions affecting you or your sector in BC. We recommend that you get copies of the legislation and regulation and review them in detail. You can find them [online](#) or printed versions may be ordered from:

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Background: our responsibilities

The role of Consumer Protection BC

Our purpose is to license and inspect regulated businesses, respond to consumer inquiries, investigate alleged violations of consumer protection laws, classify all general release and adult films, and provide information and referrals to consumers.

As part of our responsibility to ensure compliance with the law and conditions on a licence, we regularly perform compliance inspections as well as inspections in response to consumer complaints. When an inspector identifies issues of non-compliance, the inspector may open a complaint file. When the eventual outcome of a complaint file results in compliance by the business, or some form of enforcement action being taken against the business, the outcome is published to our website. We share this information to enable consumers to make informed decisions.

The role of the licensee

As a licensee (someone who holds a licence), you must let us know about any changes you make to the business such as the location of business, ownership and the company name.

You are legally responsible for understanding the Act, Regulation, conditions on your licence and be in compliance with them all.

You are also responsible for making sure your employees follow the Act, Regulation, and conditions on the licence, even when you are not present at the business.

You must fully cooperate with an inspector. Providing false or misleading information to an inspector or obstructing or hindering an inspection are serious contraventions. A person that carries out such behaviours or activities is also subject to prosecution under *the Offence Act*.

Inspection process

Scheduling and notification

Inspectors attend businesses located throughout the Province – sometimes arriving unannounced. The Act allows for an inspector to enter a business at any reasonable time to determine compliance with the Act, Regulation, conditions on a licence, or the suitability of a licensee or an applicant for a licence.

Authority to inspect

It is your responsibility to cooperate fully during an inspection. In most instances, an inspector will provide their official identification on arrival, or a request can be made for them to produce it. You must not do anything to obstruct, hinder, or interfere with an inspector's entry and inspection of a business. The Act gives the inspector the authority to:

- Inquire into any business, affairs or conduct of a person

- Inspect, audit or examine any record, goods or other things or the provision of services in the premises
- Inspect a vehicle or vessel that is being used for business purposes
- Require a person who has possession or control of any records, goods, or other things in the premises, vehicle or vessel to produce the records, goods or things
- Make a record, including a record on film, audio tape, video tape or otherwise, of the premises, vehicle or vessel or any other things in the premises, vehicle or vessel
- Remove any record from the premise, vehicle or vessel for purpose of making copies
- Remove and retain any record, good or other thing that may be required as evidence from the premises, vehicle or vessel.

Conclusion of inspection

Once the inspection is complete, the inspector will review the results with you, or the manager on duty at the time of the inspection and discuss any non-compliance identified during the inspection. A Certification of Inspection will be prepared by the inspector and a digital copy will be emailed to you as indicated on your licensing file.

Post Inspection Report and follow up

After returning to the office, the inspector will document the inspection, update your file and, if required, inform other departments within Consumer Protection BC of the inspection results.

The inspector will give you a Post Inspection Report. The report will identify the alleged violations that you must correct and/or the alleged violations that will be recommended for enforcement to the Director. For more information on the enforcement process, please see the section below.

We may conduct a follow up inspection to ensure that deficiencies noted have been corrected.

Enforcement

If an inspector detects violations that they believe should proceed to enforcement or a monetary administrative penalty, they will notify you of these alleged contraventions in a Post Inspection Report. The inspector will also prepare a Report to the Director (RD) document for the Manager of Inspections & Case Management. A copy of the RD will also be sent to you. The RD will identify the allegation(s) proceeding to enforcement and the evidence the inspector is relying on to support the allegation(s). You will be given an opportunity to respond to the allegations made in the RD. A decision maker will then decide whether the allegation took place, and whether statutory action such as an administrative penalty, licensing action or other remedial order is appropriate. Note: the decision to impose an administrative penalty is at the discretion of the Director or delegated decision maker.

If you are dissatisfied with the decision, you may apply for a reconsideration of the decision.

Further information on the policies and procedures relating to the calculation of administrative monetary penalties and the reconsideration process can be found by visiting the About us (Our policies) section of our website at www.consumerprotectionbc.ca.

What will be inspected

Remember that inspectors attend businesses to confirm compliance with the Act, Regulation, and conditions on a licence, however inspectors are also there to educate and answer questions. Please feel free to approach them about any business issues or problems related to the Act or Regulation.

Typically, you can expect that an inspector will do some of the following:

- Review the legislation and the conditions on a licence for any issues that are identified
- Inspect the physical layout of the business
- Inspect legal, financial and other business records
- Observe and record your business practices, identify deficiencies or problem areas that may lead to non-compliance
- Identify any contraventions
- Answer your questions and help you understand your obligations


To find out what an inspector will be reviewing, please read a sample inspection checklist (Appendix). Note: the items on the checklist are not an exhaustive list of the items an inspector may review at inspection.

Documents and records

You must produce all business records and documents requested by the inspector. Since business records are not always kept on the premises, an inspector may schedule an inspection so you can make sure the records are at the business for the inspection. Sometimes, the inspector may require that you provide additional records at a later date. Refusing to provide records or providing false or misleading information is a serious contravention.

Appendix A - Inspection Checklist

The following are the types of things that the inspector is checking during an inspection of your business. This is not a comprehensive list and not all items on this list are inspected during each inspection.

 Licence #: _____ Date of inspection: _____				
Question	TRAVEL INDUSTRY INSPECTION REPORT	Y	N	N/A
BUSINESS MODEL				
1	Travel Agent?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Travel Wholesaler?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Office space adequate to accommodate number of employees?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	IATA appointed or TIDS #? _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	IATA / TIDS Number? _____			
6	Fiscal year end date: _____			
7	Does licensee accept cash or cheques as payment for services? If yes, what % of their business does this represent _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8	What percentage of business in cash or cheques? _____			
LICENCE				
9	TIR 5(1) All locations where business conducted licensed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	TIR 8 Licence prominently displayed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

PROHIBITED AND REGULATED ACTS OR PRACTICES				
9	TIR 9(1)(a) Does not carry on business from non-permanent place unless authorized?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	TIR 9(1)(c) Does not carry on business in a name other than registered?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11	TIR 9(1)(e) Does not knowingly carry on business in BC with an agent or wholesaler who is not licensed	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12	TIR 9(2) Does not use personal credit card to pay for travel services on behalf of a customer?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13	TIR 9(3) Includes licence number in visual advertisements respecting the business?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
REPORTING TO DIRECTOR				
14	TIR 10(1)(a) Licensee reported any change of business address within 14 days of change?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15	TIR 10(1)(b)(i)(ii) Has licensee, if a corporation, reported any change of senior officers or shares within 14 days of change?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16	TIR 10(1)(c) Licensee if partnership, reported any change of partners within 14 days?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17	TIR 10(1)(d) Licensee reported any change in name of company within 14 days?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18	TIR 10(2) Licensee reported any cessation of activity with another licensee because of a failure to fulfill financial commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RECORDS				
19	TIR 11(1) Does licensee maintain proper records of account that set out all financial, commercial and, corporate transactions?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
20	TIR 11(2) If Licensee's head office not in BC, are they able to provide copies of all record listed in TIR 11(1)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RECEIPTS				
21	TIR 12.1(a) Do receipts issued for payments or refunds include the date payment or refund is received?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
22	TIR 12(1)(b) Do receipts issued for payments or refunds include the name and address of the person making payment or receiving refund?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

23	TIR 12.1(c) Do receipts issued for payments or refunds include the amount received or refunded and any outstanding balance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
24	TIR 12.1(d) Do receipts issued for payments or refunds include a description of the services to be supplied including the dates on which travel services are to be supplied??	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
25	TIR 12.1(e) Do receipts issued for payments or refunds include an itemized purchase price for the travel services to be supplied?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
26	TIR 12.1(f) Do receipts issued for payments or refunds include the conditions for reimbursement of any money received?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
27	TIR 12.1(g) Do receipts issued for payments or refunds include the licensee's name, address telephone number and license number?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
28	TIR 12.1(h) If a travel wholesaler, do receipts issued for payments or refunds indicate that the licensee will deposit the payment into a trust account?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
TRUST ACCOUNTS				
29	TIR 13(1) Does the licensee maintain a trust account with a savings institution in BC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
30	TIR 13(2) Licensee's trust account designated as "travel trust account" in statements or, written agreement with savings institution?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
31	TIR 13(3) Does licensee deposit all money received in the course of business for travel services into the trust account?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
32	TIR 13(5) Does licensee only disburse funds from trust account for services to be rendered to customer, expenditures on behalf of customer, refunds, reimbursement or, commissions earned?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
33	TIR 13(6) Does licensee keep current records of deposits, disbursements, and balances for each customer whose funds were deposited into the trust account?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
SECURITY				
34	TIR 14(2)(b) Has licensee provided security within 90 days of the end of the fiscal period if sales volumes require change to amount held?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
35	Did licensee have active "my Account" and did inspector review/update active status at the time of inspection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

For more information about your obligations as a licensed business, our processes and our organization, please visit www.consumerprotectionbc.ca.