



July 22, 2016

**BY FAX**

The Judicial Administrator  
Federal Court of Appeal  
Thomas D'Arcy McGee Building  
90 Sparks Street  
Ottawa, ON  
K1A 0H9

Dear Sir/Madam:

**RE: Appellant's Motion for Injunction – Abridgment of Time**  
***Lukacs v. NewLeaf Travel Company et al.***  
**Court File No. A-242-16**

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We are writing further to the above noted motion dated July 21, 2016, and the Court's Direction from earlier today.

Please be advised that the Canadian Transportation Agency takes no position on the motion.

In response to the Court's inquiry regarding whether travel agencies in provinces other than Quebec are required to pay a percentage of their sales into a compensation fund, we have, within the timeframe fixed by the Court, confirmed that British Columbia and Ontario also have compensation funds available to customers who use licensed travel agents.

- (a) In Ontario, O. Reg. 26/05 under *Travel Industry Act, 2002*, S.O. 2002, c. 30, Sched. D requires registrants to participate in a compensation fund. I have been unable to determine if it is a portion of sales that are paid into the fund in the timeframe fixed by the Court; and
- (b) In British Columbia licensed travel agents are required to pay into a Travel Assurance Fund, although there are exceptions. Section 17 of B.C. Reg. 296/2004 sets out the payments which must be made. A copy of this section is attached. Payments into the fund include payments made when applying for a license, and the greater of \$100 per month or 0.05% of gross sales for that month.

We trust the foregoing is satisfactory.

Yours truly,



for

Allan Matte

Counsel

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c.c. B. Meronek  
G. Lukacs

Current to July 12, 2016

B.C. Reg. 296/2004, s. 17

**Business Practices and Consumer Protection Act**

**TRAVEL INDUSTRY REGULATION**

**B.C. Reg. 296/2004 Deposited June 30, 2004**

**O.C. 658/2004**

[includes amendments up to B.C. Reg. 400/2008]

**Part 3 - Travel Assurance Fund**

**SECTION 17**

*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 applied 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.

*[am. B.C. Reg. 369/2008, Sched. 2, s. 13, effective April 1, 2009 (B.C. Regs. Bull. 34/2008).]*