

VERÓNICA PACHECO-SANFUENTES
TRAVEL AGENCY COMMISSIONER, AREA ONE
DEPUTY TAC 2
(The Americas and the Caribbean)
110 – 3083 West 4th Avenue,
Vancouver, British Columbia V6K 1R5
CANADA

DECISION 2013 - # 2
(Area 2)

In the matter of: International Air Transport Association (“IATA”)

Torre Europa
Paseo de la Castellana, número 95,
28046 MADRID, Spain
Represented by Mr. Ignacio Mula Díaz, Europe Manager
Accreditation

The Applicant

vs.

Trust (GB) Ltd.
IATA numeric code 91-2 4577
Unit 15, First Floor Adrienne Business Centre
Adrienne Avenue
Southall, UB1 2FJ
England

The Respondent

I. The Case

On December 13, 2012 the Applicant contacted the Office of the Travel Agency Commissioner (hereinafter “TAC”) due to the removal of all Standard Traffic Documents (“STDs”) from the Respondent, based on the Prejudiced Collection of Funds’ rules stated in Section 1.8 of Resolution 818g, Attachment “A”.

Upon receipt of this request for review, the TAC asked the Applicant to provide further information, namely the grounds for applying such set of rules; and, tried to contact

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the Respondent (referred to hereinafter also as “the Agent”).

In a timely manner, The Applicant provided the requested information, according to which the rules were put in place due to (i) a sudden sales’ jump; and, (ii) information received from a Member Airline stating that the Respondent had left its premises without any further notice. This information was afterwards confirmed by the Respondent.

Several attempts were made to contact the Agent by this Office, however at no avail. The Respondent did not present any submissions in this review proceeding despite having been given the possibility to do so, therefore, pursuant Rules 7 and 13 of the Rules of Practice and Procedure for Area 2 in effect, this Commissioner will render the final decision based on the evidence submitted by the Applicant only, as it was duly communicated to both Parties.

No oral hearing was requested by either Party nor does this Commissioner deem it necessary.

II. The Decision

Having looked at the applicable Resolutions, with peculiar emphasis in the requirements to apply the Prejudiced Collection of Funds’ rules by IATA’s Agency Administrator;

Considering that the written information that the Applicant had in its hands when evaluating the Agent’s situation constituted sufficient evidence as to justify its ulterior actions,

This Commissioner decides,

- The Applicant had followed correct procedure; hence, its decision of removing the Respondent’s Standard Traffic Documents stands.

The Parties are advised that according to Paragraph 2.10 of Resolution 820e, any of them may request for an interpretation of this decision; or for a correction of any error in computation, any clerical or typographical error, or any omission in the decision. Please be advised that the time frame for these types of requests will be the following 15 days after receipt of the electronic version of this document.

As per Resolution 820e, Section 4 any Party has the right, if it considers aggrieved by this decision, to seek review by Arbitration, in accordance with the provisions of Resolution 824, Section 14.

Decided in Vancouver, Canada, on January 22, 2013

Verónica Pacheco-Sanfuentes
Travel Agency Commissioner Area 1
acting as Deputy TAC2

Note: The original signed version of this decision will be sent to the Parties by regular mail, once the above mentioned timeframe for interpretation/corrections had elapsed. In the meantime, in order to ensure timely receipt by the Parties, an electronic version of it is sent on this date (Jan. 22, 2013).

Please note that the time frame for interpretation and errors' correction will commence upon receipt of the electronic version of this decision.