



Broadcasting Decision CRTC 2014-293

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Route reference: 2014-58

Ottawa, 4 June 2014

Radio communautaire MF Lac Simon inc.
Rouyn-Noranda, Quebec

Application 2013-1505-2, received 7 November 2013

CHUN-FM Rouyn-Noranda – Licence renewal

*The Commission **renews** the broadcasting licence for the French- and Aboriginal-language Native Type B radio station CHUN-FM Rouyn-Noranda from 1 September 2014 to 31 August 2019. This short-term renewal will allow for an earlier review of the licensee's compliance with the Commission's regulatory requirements.*

Application

1. Radio communautaire MF Lac Simon inc. (Radio Lac Simon) filed an application to renew the broadcasting licence for the French- and Aboriginal-language Native Type B radio station CHUN-FM Rouyn-Noranda, which expires 31 August 2014. The Commission did not receive any interventions in connection with this application.

Non-compliance

2. Section 9(2) of the *Radio Regulations, 1986* (the Regulations) requires licensees to file annual returns by 30 November of each year for the broadcast year ending the previous 31 August. The filing requirements, including the requirement to submit financial statements with the annual returns, are set out in Broadcasting Information Bulletin 2011-795.
3. When it renewed the broadcasting licence for CHUN-FM in 2010 (see Broadcasting Decision 2010-830), the Commission noted that the licensee had failed to comply with section 9(2) of the Regulations by filing its annual returns for the 2004-2005 through 2008-2009 broadcast years on 10 June 2010, after the annual deadline. According to Radio Lac Simon, it had provided the Commission with incorrect contact information, and as such the annual return documents it was supposed to complete and file with the Commission were sent to the wrong address. Consequently, the Commission found the licensee in non-compliance with section 9(2) of the Regulations. Based on its practice at the time (see Circular No. 444), the Commission renewed the broadcasting licence for CHUN-FM for a short-term of four years.

4. In regard to the present application, in Broadcasting Notice of Consultation 2014-58, the Commission noted that Radio Lac Simon was in apparent non-compliance with section 9(2) of the Regulations. Although the licensee filed the annual returns for each of the 2009-2010 through 2011-2012 broadcast years on time, it failed to include financial statements for those broadcast years.
5. Radio Lac Simon explained that it did not receive Commission emails requesting it to submit the missing financial statements for the broadcast years in question. In order to immediately learn of any Commission correspondence in the future and to ensure that this situation does not arise again, the station administrator provided its personal email address to the Commission. It also stated that it has implemented a reminder system to avoid any oversight.
6. In light of the above, the Commission finds Radio Lac Simon in non-compliance with section 9(2) of the Regulations for CHUN-FM for the 2009-2010 through 2011-2012 broadcast years.

Regulatory measures

7. In Broadcasting Information Bulletin 2011-347, the Commission announced a revised approach to non-compliance by radio stations. Specifically, the Commission indicated that each instance of non-compliance would be evaluated in its context and in light of factors such as the quantity, recurrence and seriousness of the non-compliance. The Commission also indicated that it would consider the circumstances of the non-compliance, the arguments provided by the licensee and the measures taken to rectify the situation.
8. Compliance with the deadlines for the filing of complete annual returns is important because it enables the Commission to monitor a licensee's performance and compliance with the Regulations and its conditions of licence.
9. The Commission is satisfied that Radio Lac Simon understands the seriousness of its non-compliance. In addition, it notes that the licensee immediately filed the missing financial statements after being requested to do so. The Commission further notes the measures put in place by the licensee to avoid future non-compliance. Nevertheless, given the nature and extent of the non-compliance, the Commission considers it appropriate to renew the broadcasting licence for CHUN-FM for a short-term period of five years.

Conclusion

10. In light of all of the above, the Commission **renews** the broadcasting licence for the French- and Aboriginal-language Native Type B radio programming undertaking CHUN-FM Rouyn-Noranda from 1 September 2014 to 31 August 2019. The licensee shall continue to adhere to the **conditions of licence** set out in Broadcasting Decision 2010-830.

11. The Commission emphasizes the importance it places on a licensee's fulfillment of its regulatory requirements, and that it is the licensee's responsibility to ensure that it is aware of and adheres to those requirements at all times. The short-term renewal granted in this decision will allow for an earlier review of the licensee's compliance with the Commission's regulatory requirements.

Reminder

12. Pursuant to section 22 of the *Broadcasting Act*, the broadcasting licence renewed in this decision will cease to have any force or effect if the broadcasting certificate issued by the Department of Industry lapses.

Secretary General

Related documents

- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2014-58, 13 February 2014
- *Filing annual returns for radio programming undertakings*, Broadcasting Information Bulletin CRTC 2011-795, 20 December 2011
- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011
- *CHUN-FM Rouyn-Noranda – Licence renewal*, Broadcasting Decision CRTC 2010-830, 9 November 2010
- *Practices regarding radio non-compliance*, Circular No. 444, 7 May 2001

**This decision is to be appended to the licence.*