



Broadcasting Decision CRTC 2015-307

PDF version

Reference: 2015-51

Ottawa, 10 July 2015

Various licensees

Various locations across Canada

The application numbers are set out in this decision.

Various community radio stations – Licence renewals

*The Commission **renews** the broadcasting licences for the community radio stations listed in the decision from 1 September 2015 to 31 August 2022.*

Applications

1. The Commission received applications to renew the broadcasting licences for the community radio stations listed in the table below.

Licensee	Call sign, application number and date received
Radio communautaire de Harrington Harbour ¹	CFTH-FM-1 Harrington Harbour, Quebec, and its transmitter CFTH-FM-2 Mutton Bay 2014-0669-5 15 July 2014
Radio communautaire F.M. de la Haute-Gatineau Inc.	CHGA-FM Maniwaki, Quebec 2014-0677-8 16 July 2014
Seaside Broadcasting Organization	CFEP-FM Eastern Passage, Nova Scotia 2014-0869-1 29 August 2014
Tantramar Community Radio Society	CFTA-FM Amherst, Nova Scotia 2014-0882-3 3 September 2014

¹ In Broadcasting Notice of Consultation 2015-51, the Commission listed CFTH-FM-3 Kegaska as a transmitter belonging to CFTH-FM-1 Harrington Harbour. However, the Commission has since been advised by the Department of Industry that CFTH-FM-1's authority does not include a transmitter at Kegaska. As such, the licensee must file an application with the Commission if it wishes to operate a transmitter at Kegaska.

Interventions

2. The Commission received interventions in support of the applications by Radio communautaire de Harrington Harbour, Seaside Broadcasting Organization and Tantramar Community Radio Society. The Commission did not receive any interventions regarding the application by Radio communautaire F.M. de la Haute-Gatineau Inc. The public record for this proceeding can be found on the Commission's website at www.crtc.gc.ca or by using the appropriate application number, provided in the table above.

Non-compliance

3. Section 9(2) of the *Radio Regulations, 1986* (the Regulations) requires licensees to file an annual return by 30 November of each year for the broadcast year ending the previous 31 August. The specific filing requirements, including the requirement to submit financial statements, are set out in Broadcasting Information Bulletin 2011-795.

Radio communautaire de Harrington Harbour

4. In Broadcasting Public Notice 2015-51, the Commission stated that Radio communautaire de Harrington Harbour was in apparent non-compliance with section 9(2) of the Regulations relating to the filing of complete annual returns for the 2010-2011, 2011-2012 and 2012-2013 broadcast years. Specifically, the licensee filed its financial statements for those broadcast years after the 30 November deadline.
5. The licensee explained that it was not aware of the 30 November deadline to file financial statements with the Commission, but noted that the accounting firm responsible for completing the station's financial statements has been informed of the deadline to ensure future compliance.
6. In light of the above, the Commission finds Radio communautaire de Harrington Harbour in non-compliance with section 9(2) of the Regulations for the 2010-2011, 2011-2012 and 2012-2013 broadcast years.

Radio communautaire F.M. de la Haute-Gatineau inc.

7. In Broadcasting Public Notice 2015-51, the Commission stated that Radio communautaire F.M. de la Haute-Gatineau inc. was in apparent non-compliance with section 9(2) of the Regulations relating to the filing of complete annual returns for the 2010-2011, 2011-2012 and 2012-2013 broadcast years. Specifically, the licensee filed its financial statements for those broadcast years after the 30 November deadline.
8. The licensee explained that the person responsible for the annual returns was new to the position and was therefore not aware of this requirement. It also indicated that it rarely receives its financial statements before 30 November given that its fiscal year

ends on 31 August. The licensee confirmed that it is now aware of this requirement and has marked it down to ensure that future financial statements are filed on time.

9. In light of the above, the Commission finds Radio communautaire F.M. de la Haute-Gatineau inc. in non-compliance with section 9(2) of the Regulations for the 2010-2011, 2011-2012 and 2012-2013 broadcast years.

Seaside Broadcasting Organization

10. In Broadcasting Public Notice 2015-51, the Commission stated that Seaside Broadcasting Organization was in apparent non-compliance with section 9(2) of the Regulations relating to the filing of complete annual returns for the 2009-2010, 2011-2012 and 2012-2013 broadcast years. Specifically, the licensee filed its financial statements for those broadcast years after the 30 November deadline.
11. The licensee admitted to having overlooked the requirement to submit financial statements and assumed full responsibility. It indicated that the financial statements were readily available but were not submitted due to a lack of attention to its regulatory requirements. To ensure future compliance, it indicated that it has implemented an administrative policy for broadcast year-end reporting, which includes the creation of an “important dates” calendar for staff and board members to consult. This policy will be subject to an end-of-year evaluation to determine its effectiveness in ensuring compliance and whether further revisions are necessary. The licensee also submitted that “regulatory compliance” will be added as a standing agenda item at staff and board meetings.
12. In light of the above, the Commission finds Seaside Broadcasting Organization in non-compliance with section 9(2) of the Regulations for the 2009-2010, 2011-2012 and 2012-2013 broadcast years.

Tantramar Community Radio Society

13. In Broadcasting Public Notice 2015-51, the Commission stated that Tantramar Community Radio Society was in apparent non-compliance with section 9(2) of the Regulations relating to the filing of complete annual returns for the 2011-2012 broadcast year. Specifically, the licensee did not file its financial statement for that broadcast year.
14. Upon being contacted by Commission staff, the licensee stated that it was unaware that the financial statement for the 2011-2012 broadcast year had not been filed. It has since been filed with the Commission. The licensee apologized for the inconvenience and stated that to ensure future compliance, more than one person will be responsible for verifying all filings with the Commission in the future.
15. In light of the above, the Commission finds Tantramar Community Radio Society in non-compliance with section 9(2) of the Regulations for the 2011-2012 broadcast year.

Regulatory measures

16. The Commission's approach to non-compliance by radio stations is set out in Broadcasting Information Bulletin 2014-608. Under that approach, each instance of non-compliance is evaluated in its context and in light of factors such as the quantity, recurrence and seriousness of the non-compliance. The circumstances, the arguments provided by the licensee and the actions taken to rectify the situation are also considered.
17. Compliance with deadlines for the filing of complete annual returns is important because it enables the Commission to monitor a licensee's performance and compliance with regulations. Accordingly, the Commission considers the late or incomplete filing of annual returns a serious matter.
18. The Commission has examined the record for these applications and is satisfied with the licensees' explanations and with the measures they have put in place to address the non-compliance. Given the circumstances surrounding the licensees' non-compliance, the Commission finds it appropriate to grant the above-noted stations full-term licence renewals.

Conclusion

19. In light of all of the above, the Commission **renews** the broadcasting licences for the community radio programming undertakings listed in the table above from 1 September 2015 to 31 August 2022. The licensees shall adhere to the **conditions of licence** set out in Broadcasting Regulatory Policy 2012-304 as well as to the **conditions** set out in the broadcasting licences for the undertakings.
20. In addition, Tantramar Community Radio Society shall adhere to the following condition of licence:
 - The licensee shall, as an exception to the percentage of Canadian musical selections set out in section 2.2(8) of the *Radio Regulations 1986*, devote in each broadcast week at least 50% of its musical selections from content category 2 (Popular Music) to Canadian selections broadcast in their entirety.

Reminders

21. Licensees are responsible for submitting complete annual returns on time. In addition, as set out in Broadcasting Information Bulletin 2011-795, it is the licensees' responsibility to ensure that all appropriate forms and documentation are included with their annual returns and to contact the Commission if further clarification is required.
22. Pursuant to section 22 of the *Broadcasting Act*, the broadcasting licences renewed in this decision will cease to have any force or effect if the broadcasting certificates issued by the Department of Industry lapse.

Filing of ownership information

23. As set out in Broadcasting Regulatory Policy 2010-499, the Commission expects all community and campus radio station licensees to file yearly updates on the composition of their boards of directors. These annual updates can be submitted at the time of submission of annual returns, following annual board of directors' elections or at any other time. As noted in Appendix 3 to that policy, licensees may submit such documentation via the Commission's website.

Employment equity

24. The Commission considers that campus and community radio stations should be particularly sensitive to employment equity issues in order to reflect fully the communities they serve. It encourages the licensees to consider these issues in their hiring practices and in all other aspects of their management of human resources.

Secretary General

Related documents

- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2015-51, 18 February 2015
- *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 2014
- *Standard conditions of licence for campus and community radio stations*, Broadcasting Regulatory Policy CRTC 2012-304, 22 May 2012
- *Filing annual returns for radio programming undertakings*, Broadcasting Information Bulletin CRTC 2011-795, 20 December 2011
- *Campus and community radio policy*, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010

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