



## Broadcasting Decision CRTC 2017-204

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Reference: Part 1 application posted on 26 August 2016

Ottawa, 16 June 2017

**Canadian Centre for Civic Media & Arts Development Incorporated**  
Downsview and Scarborough, Ontario

*Application 2016-0796-2*

### **CHRY-FM Downsview – New transmitter in Scarborough**

*The Commission **denies** an application for a new transmitter in Scarborough to rebroadcast the programming of the English-language campus radio station CHRY-FM Downsview, Ontario.*

#### **Application**

1. Canadian Centre for Civic Media & Arts Development Incorporated (Canadian Centre) filed an application to amend the broadcasting licence for the English-language campus radio station CHRY-FM Downsview, Ontario, to add an FM rebroadcasting transmitter in Scarborough.
2. The transmitter would operate at 105.3 MHz (channel 287A1) with an average effective radiated power (ERP) of 92 watts (maximum ERP of 155 watts with an effective height of the antenna above average terrain of 83.5 metres).
3. Canadian Centre proposed to add a rebroadcasting transmitter in Scarborough to better serve the eastern part of the Greater Toronto Area (GTA).

#### **Interventions and applicant's reply**

4. The Commission received interventions in support of the application. It also received opposing interventions from individuals and from the following parties, to which the applicant replied:
  - 8237646 Canada Inc., licensee of the commercial radio station CIUX-FM Uxbridge, Ontario;
  - Intercity Broadcasting Network Inc. (Intercity Broadcasting), licensee of the commercial specialty station CKFG-FM Toronto, Ontario;
  - 105.9 FM Ltd., licensee of the low-power ethnic station CJVF-FM Scarborough, Ontario; and

- 8041393 Canada Inc., on behalf of a corporation to be incorporated, which granted a broadcasting licence to operate the ethnic station CJRK-FM Scarborough.
5. The public record for this application can be found on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) or by using the application number provided above.
  6. The majority of the opposing interveners expressed concern over what they argued to be the applicant's lack of need for the proposed transmitter, the commercial orientation of CHRY-FM and the potential undue negative impact that the transmitter could have on new and existing stations, namely CJRK-FM and CKFG-FM.
  7. In its reply, Canadian Centre argued that the transmitter is necessary to address the increased levels of interference affecting listeners and advertisers. It stated that the transmitter would not have an undue negative impact on existing stations since CHRY-FM already serves listeners and businesses in the eastern part of the GTA. It added that the service contours of the transmitter would be among the smallest relative to the existing radio stations serving the area.

### **Commission's analysis**

8. When a licensee of a radio station files an application for a technical amendment, the Commission generally requires the licensee to present compelling technical or economic evidence to justify the amendment. Given the above, and after examining the public record for the application in light of applicable regulations and policies, the Commission considers that it must examine the following issues:
  - whether the applicant demonstrated a compelling technical need for the new transmitter; and
  - whether the applicant demonstrated a compelling economic need for the new transmitter.

### **Technical need**

9. According to Canadian Centre, the station's signal is severely impeded by its proximity to the Downsview and Pearson airports. The applicant also indicated that the station is experiencing signal degradation in the eastern part of CHRY-FM's coverage, including within the secondary service contour, due to the launch of the commercial radio station CIUX-FM.
10. However, since Canadian Centre requested to operate a rebroadcasting transmitter outside CHRY-FM's existing service contours, the proposed transmitter would not address the signal degradation caused by CIUX-FM within CHRY-FM's service contours.
11. Further, as part of its application, Canadian Centre provided a listener survey that included listener complaints describing CHRY-FM's signal deficiency or loss of

signal in Pickering, Scarborough, Brampton and Mississauga. Since these cities fall outside CHRY-FM's service contours, reliable reception of CHRY-FM's signal should not be expected in those cities.

12. Given the above, the Commission finds that Canadian Centre has not demonstrated a compelling technical need for the proposed transmitter.

### **Economic need**

13. Canadian Centre indicated that the competitive position of its station could be impacted by signal degradation, which could adversely affect both its audience and its ability to attract advertisers.
14. In support of its application, the applicant submitted financial projections, both in the event that the current application were to be approved and in the event that it were to be denied.
15. The evidence submitted by Canadian Centre does not support its argument that the transmitter is necessary for the continued financial viability of CHRY-FM. More specifically, there is a lack of evidence to support the trend suggested by the applicant's projections in the case of a denial of the application.
16. Accordingly, the Commission finds that Canadian Centre has not demonstrated a compelling economic need for the proposed transmitter.

### **Conclusion**

17. In light of all of the above, the Commission **denies** the application by Canadian Centre for Civic Media & Arts Development Incorporated to amend the broadcasting licence for the English-language campus radio programming undertaking CHRY-FM Downsview to add an FM rebroadcasting transmitter in Scarborough.

Secretary General