



Broadcasting Decision CRTC 2019-282

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Reference: Part 1 licence renewal application posted on 28 February 2019

Ottawa, 8 August 2019

Manitoulin Radio Communication Inc.

Little Current, Ontario

Public record for this application: 2018-0816-4

CFRM-FM Little Current – Licence renewal

*The Commission **renews** the broadcasting licence for the English-language community radio station CFRM-FM Little Current from 1 September 2019 to 31 August 2024. This short-term renewal will allow for an earlier review of the licensee's compliance with regulatory requirements.*

Application

1. Manitoulin Radio Communication Inc. (Manitoulin Radio) filed an application to renew the broadcasting licence for its English-language community radio station CFRM-FM Little Current, Ontario, which expires 31 August 2019. The Commission did not receive any interventions regarding this application.

Non-compliance

Filing of annual returns

2. Section 9(2) of the *Radio Regulations, 1986* (the Regulations) requires radio station licensees to file annual returns with the Commission by 30 November of each year for the broadcast year ending the previous 31 August. The specific filing requirements are detailed in Broadcasting Information Bulletin 2011-795.
3. According to Commission records, the annual returns for CFRM-FM were filed late, from one to four years after the 30 November deadline, for the 2013-2014 through 2016-2017 broadcast years. In addition, the annual returns for the 2013-2014 through 2016-2017 broadcast years were only partially complete, missing the financial statements.
4. Manitoulin Radio stated that the station's bookkeeping was inaccurate because of a poor bookkeeper, and noted that it has been difficult to find one who is trustworthy. The licensee added that once informed of the above-noted non-compliance, it hired a trustworthy certified bookkeeper and retained the services of a chartered accountant.

In addition, it reorganized its bookkeeping system to ensure that the filing of annual returns in the future would be done in a timely fashion. Finally, Manitoulin indicated that it would file the missing financial statements as soon as possible. However, those financial statements have yet to be filed.

5. In light of the above, the Commission finds the licensee in non-compliance with section 9(2) of the Regulations for the 2013-2014 through 2016-2017 broadcast years.

Regulatory measures

6. 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 leading to the non-compliance, the arguments provided by the licensee and the actions taken to rectify the situation are also considered.
7. The Commission also specified in that information bulletin that it may apply certain measures on a case-by-case basis depending on the nature of the non-compliance, including the imposition of conditions of licence or mandatory orders, short-term licence renewal or the non-renewal, suspension or revocation of the licence.
8. Although the Commission is satisfied with the measures taken by the licensee to ensure future compliance, it finds that it would be appropriate to renew the broadcasting licence for CFRM-FM for a short-term period. This short-term renewal will allow for an earlier review of the licensee's compliance with regulatory requirements.

Conclusion

9. In light of the above, the Commission **renews** the broadcasting licence for the English-language community radio programming undertaking CFRM-FM Little Current from 1 September 2019 to 31 August 2024. The licensee shall adhere to the **conditions** set out in the appendix to Broadcasting Regulatory Policy 2012-304, as well as to the **conditions** set out in the broadcasting licence for the undertaking.

Reminders

10. The licensee must comply at all times with the requirements set out in the *Broadcasting Act* (the Act), the Regulations and its conditions of licence.
11. The Commission is charged with the supervision and regulation of the Canadian broadcasting system. Annual returns are key components for the Commission's ongoing monitoring plan and contribute to an authoritative source of statistics on the Canadian broadcasting industry for all stakeholders. In addition, annual returns allow the Commission to effectively assess, supervise and regulate the radio broadcasting

industry as a whole. They also allow the Commission to monitor a licensee's performance and compliance with regulatory requirements.

12. Licensees are responsible for filing complete annual returns on time, including the financial statements. In addition, as set out in Broadcasting Information Bulletin 2011-795, it is the licensee's responsibility to ensure that all appropriate forms and documentation are included with its annual returns, and to contact the Commission if further clarification is required.
13. Pursuant to section 22 of the Act, the broadcasting licence renewed in this decision will cease to have any force or effect should the broadcasting certificate issued by the Department of Industry lapse.

Cultural diversity

14. The Commission expects the licensee to reflect the cultural diversity of Canada in its programming and employment practices.

Employment equity

15. In accordance with Public Notice 1992-59, the Commission encourages the licensee to consider employment equity issues in its hiring practices and in all other aspects of its management of human resources.

Secretary General

Related documents

- *Standard conditions of licence for campus and community radio stations*, Broadcasting Regulatory Policy CRTC 2012-304, 22 May 2012
- *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 2014
- *Filing annual returns for radio programming undertakings*, Broadcasting Information Bulletin CRTC 2011-795, 20 December 2011
- *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992

This decision is to be appended to the licence.