



## Broadcasting Decision CRTC 2023-197

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Reference: Part 1 licence renewal application posted on 27 October 2022

Ottawa, 7 July 2023

### **Bay of Islands Radio Inc.**

Corner Brook, Newfoundland and Labrador

*Public record: 2022-0760-5*

## **CKVB-FM Corner Brook – Licence renewal**

### **Summary**

The Commission **renews** the broadcasting licence for the low-power English-language community radio station CKVB-FM Corner Brook, Newfoundland and Labrador, from 1 September 2023 to 31 August 2030.

### **Application**

1. The Commission has the authority, pursuant to subsections 9(1) and 9.1(1) of the *Broadcasting Act*, to issue and renew licences and to make orders imposing conditions on the carrying on of a broadcasting undertaking that it considers appropriate for the implementation of the broadcasting policy set out in subsection 3(1) of the *Broadcasting Act*.
2. On 10 June 2022, the Commission issued Broadcasting Notice of Consultation 2022-152,<sup>1</sup> which listed radio stations for which the broadcasting licences would expire 31 August 2023 and therefore needed to be renewed to continue their operations. In that notice of consultation, the Commission requested that the licensees of those stations submit renewal applications for their broadcasting licences.
3. In response, Bay of Islands Radio Inc. (Bay of Islands Radio) filed an application to renew the broadcasting licence for the low-power English-language community radio station CKVB-FM Corner Brook, Newfoundland and Labrador, which expires 31 August 2023.
4. The Commission received an intervention in support of this application from the National Campus and Community Radio Association (NCRA), which noted the station's success and its involvement in its community. The intervener also confirmed that the licensee has made use of the resources available through its NCRA membership and has taken steps to ensure it complies with regulatory obligations.

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<sup>1</sup> As corrected in Broadcasting Notice of Consultation 2022-152-1.

## **Non-compliance**

5. Paragraph 10(1)(i) of the old *Broadcasting Act*, which was in effect while the licensee's application was being considered, granted the Commission the authority, in furtherance of its objects, to make regulations requiring licensees to submit to the Commission such information regarding their programs and financial affairs or otherwise relating to the conduct and management of their affairs as the regulations may specify.
6. Pursuant to this authority, the Commission made subsection 9(2) of the *Radio Regulations, 1986* (the Regulations), which requires licensees to file an annual return, including financial statements, by no later than 30 November of a given year for the broadcast year ending the previous 31 August. The specific filing requirements, including the requirement to file financial statements, are set out in Broadcasting Information Bulletin 2011-795 and in Circular No. 404.
7. Subsection 49(2) of the *Online Streaming Act*, which made a certain number of amendments to the *Broadcasting Act* when it came into force on 27 April 2023, stipulates that any regulation made pursuant to paragraph 10(1)(i) of the old *Broadcasting Act* is deemed to be an order made under section 9.1 of the new *Broadcasting Act*. Accordingly, subsection 9(2) of the Regulations is considered to be a condition of service pursuant to paragraph 9.1(1)(o) of the new *Broadcasting Act*, and licensees continue to be subject to this requirement.
8. According to Commission records, the annual returns for CKVB-FM that were provided to the Commission for the 2017-2018 through 2019-2020 broadcast years were incomplete, as they did not include financial statements.
9. Bay of Islands Radio submitted that, due to it being CKVB-FM's first licence term, it misunderstood the full requirements for the filing of annual returns. The licensee stated that it will put a checklist in place for completing annual returns to ensure all requirements are met. Further, the procedures for filing annual returns will be reviewed annually by its Board of Directors.
10. In light of the above, the Commission finds the licensee to be in non-compliance with subsection 9(2) of the Regulations for the 2017-2018 through 2019-2020 broadcast years.

## **Regulatory measures**

11. 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 number, recurrence and seriousness of the instances of 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.

12. In regard to the licensee's non-compliance with subsection 9(2) of the Regulations, the Commission considers this to be due to the station being in its first licence term and to the licensee being unfamiliar with the filing process for annual returns. Further, once informed of its non-compliance, the licensee contacted the NCRA for guidance and training on the filing of annual returns and filed the missing financial statements. The Commission is satisfied with the steps the licensee took to address this instance of non-compliance and the measures it has put in place to ensure compliance with its regulatory obligations in the future. Accordingly, the Commission finds that no further measures are warranted in regard to the non-compliance.

## **Conclusion**

13. In light of all of the above, the Commission **renews** the broadcasting licence for the low-power English-language community radio programming undertaking CKVB-FM Corner Brook from 1 September 2023 to 31 August 2030.

14. Pursuant to subsection 49(1) of the *Online Streaming Act*, the conditions of licence that existed prior to the date of royal assent of that Act are deemed to be conditions imposed under an order made pursuant to section 9.1 of the new *Broadcasting Act*. As such, the conditions of licence for this licensee became conditions of service and continue to apply to the licensee. For ease of reference, the **conditions of service** for this licensee are set out in the appendix to this decision. Further, the formal broadcasting licence document issued to a licensee may set out additional requirements for the undertaking, relating to, for example, technical parameters or prohibitions on transfer. The licensee shall also adhere to any such requirements set out in the broadcasting licence for the undertaking.

## **Reminders**

15. The Commission reminds the licensee that it must comply at all times with the requirements set out in the *Broadcasting Act*, the Regulations, its licence and its conditions of service.

## **Annual returns and financial statements**

16. Licensees are responsible for filing complete annual returns on time, including financial statements. 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.

## **Force and effect of broadcasting licences**

17. Pursuant to section 22 of the *Broadcasting 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 (also known as Innovation, Science and Economic Development Canada) lapse.

## **Practical guide for radio licence renewals**

18. To learn more about the Commission's review of compliance with requirements relating to radio licences, and about the radio renewal process, please consult the Commission's [Practical guide to radio licence renewals](#).

Secretary General

### **Related documents**

- *Call for licence renewal applications – Submission of renewal applications for broadcasting licences of radio stations expiring on 31 August 2023 – Regular renewal process*, Broadcasting Notice of Consultation CRTC 2022-152, 10 June 2022, as corrected by Broadcasting Notice of Consultation CRTC 2022-152-1, 18 August 2022
- *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
- *Requirements for the Filing of Financial Statements with the Broadcasting Annual Return*, Circular No. 404, 23 August 1994

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

## **Appendix to Broadcasting Decision CRTC 2023-197**

### **Terms, conditions of service, expectations and encouragement for the low-power English-language community radio programming undertaking CKVB-FM Corner Brook, Newfoundland and Labrador**

#### **Terms**

The licence will expire 31 August 2030.

#### **Conditions of service**

1. The licensee shall adhere to the conditions of service set out in *Standard conditions of licence for campus and community radio stations*, Broadcasting Regulatory Policy CRTC 2012-304, 22 May 2012. Further, the licensee shall adhere to the requirements set out in the broadcasting licence for the undertaking.
2. The licensee shall adhere to all applicable requirements set out in the *Radio Regulations, 1986* that were made under paragraph 10(1)(a) or under paragraph 10(1)(i) of the old *Broadcasting Act*.<sup>2</sup>

#### **Expectations**

##### **Cultural diversity**

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

##### **Update on boards of directors of community and campus radio stations**

The Commission expects all community and campus 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. Such information may be submitted through the Commission's website.

#### **Encouragement**

The Commission considers that community radio stations should pay particular attention to employment equity in order to reflect fully the communities they serve. It encourages the licensee to consider employment equity in its hiring practices and in all other aspects of its management of human resources.

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<sup>2</sup> Pursuant to subsection 49(2) of the *Online Streaming Act*, which made a certain number of amendments to the *Broadcasting Act* when it came into force on 27 April 2023, any regulation made under paragraphs 10(1)(a) or (10(1)(i) of the old *Broadcasting Act* is deemed to be an order made under section 9.1 of the new *Broadcasting Act*.