



Broadcasting Decision CRTC 2023-221

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Reference: Part 1 licence renewal application posted on 22 November 2022

Ottawa, 26 July 2023

Mainstream Broadcasting Corporation
Vancouver, British Columbia

Public record: 2022-0768-8

CHMB Vancouver – Licence renewal

Summary

The Commission **renews** the broadcasting licence for the commercial ethnic AM radio station CHMB Vancouver, British Columbia, from 1 September 2023 to 31 August 2028. This short-term renewal will allow for an earlier review of the licensee's compliance with its regulatory requirements.

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 2022-152,¹ 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, Mainstream Broadcasting Corporation (MBC) filed an application to renew the broadcasting licence for the commercial ethnic AM radio station CHMB Vancouver, British Columbia, which expires 1 September 2023.² The Commission did not receive any interventions in regard to this application.

¹ As corrected in Broadcasting Notice of Consultation 2022-152-1.

² The original licence expiry date for the station was 31 August 2021. The licence was administratively renewed until 31 August 2022 as a result of Broadcasting Decision 2020-381 and until 31 August 2023 as a result of Broadcasting Decision 2021-298.

Non-compliance

4. Subsection 10(1) of the *Broadcasting Act* authorizes the Commission, in furtherance of its objects, to make regulations regarding, among other things, the broadcasting of programs. In Broadcasting Regulatory Policy 2014-444, the Commission stated that the broadcasting system has a vital role to play in the provision of emergency alert messages to Canadians and that the duty to inform the public of imminent perils is at the core of the public service obligations of all broadcasters. The provision of emergency alert messages is achieved through the National Public Alerting System (NPAS).
5. Pursuant to this authority, the Commission made section 16 of the *Radio Regulations, 1986* (the Regulations). It specifies, among other things, that except as otherwise provided under a condition of its licence, a licensee of a commercial radio station shall implement, by no later than 31 March 2015, a public alerting system that broadcasts without delay any audio alert that it receives from the National Alert Aggregation and Dissemination (NAAD) System that
 - (a) announces an imminent or unfolding danger to life; and
 - (b) is designated by the applicable issuing authority for immediate broadcast in all or part of the area within the station's A.M. 5 mV/m contour, F.M. 0.5 mV/m contour or digital service area, as the case may be.
6. According to Commission records, the licensee implemented its alerting system in March 2015. However, it appears that the system does not receive the alerts directly from the NAAD System and said alerts are therefore not broadcast without delay, as required by subsection 16(2) of the Regulations.
7. The licensee indicated that CHMB's target audience is composed of individuals with a limited comprehension of English and French, and that it had implemented an internal system to broadcast third-language alerts. That is, rather than immediately relaying alerts directly from the NAAD System, the licensee designated an employee to relay translated alerts. More specifically, after receiving an alert on a smartphone, the designated employee would interrupt the on-air programming, broadcast their own translation of that alert (in the language of programming normally scheduled for broadcast during that time slot) and resume the scheduled programming.
8. The licensee submitted that it is essential for listeners to be able to understand the alert messages and that it was therefore appropriate to implement an alternate system of relaying alerts. However, given that the alerts are not broadcast directly and without delay from the NAAD System, the Commission considers that the alerting system as implemented by the licensee does not meet the requirements set out in subsection 16(2) of the Regulations.
9. In light of the above, the Commission finds the licensee in non-compliance with subsection 16(2) of the Regulations.

Regulatory measures

10. 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.
11. In regard to the licensee's non-compliance relating to the implementation of the NPAS, the Commission considers that the licensee's efforts to relay alerts in languages understood by its audience are laudable but that it is nonetheless required to adhere to requirements relating to the provision of alerts from the NAAD System. The licensee could continue to broadcast a translation of the alerts. However, these communications would need to be transmitted only after the original alerts from the NAAD System have been broadcast in accordance with the requirements set out in subsection 16(2) of the Regulations.
12. Given that the NPAS plays a vital role in informing the public of imminent perils, the Commission finds it appropriate to renew the licence for a short-term period, which will allow for an earlier review of the licensee's compliance with its regulatory requirements. Further, the Commission finds that it would be appropriate to require the licensee to implement the NPAS by no later than 30 November 2023. Accordingly, and pursuant to subsection 9.1(1) of the *Broadcasting Act*, the Commission **orders** MBC, as a condition of service, to implement the NPAS by no later than **30 November 2023**.
13. Given that this renewal application was filed and processed prior to the coming into force of the new *Broadcasting Act*, and that interested parties had an opportunity to comment on the issue of compliance with the NPAS as part of that process, the Commission considers the Part 1 proceeding to fulfill the publication and consultation requirement for purposes of subsection 9.1(4) of the new *Broadcasting Act* in this case.

Conclusion

14. In light of all of the above, the Commission **renews** the broadcasting licence for the commercial ethnic AM radio programming undertaking CHMB Vancouver, British Columbia, from 1 September 2023 to 31 August 2028.
15. 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

16. 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.

Local news

17. Radio stations are an important daily source of local news and information for communities. Carrying on a broadcasting undertaking comes with conditions, regulatory obligations and responsibilities, which include contributing to the Canadian broadcasting system by ensuring that Canadians have access to local programming that reflects their needs and interests and informs them of important current issues.
18. Although Broadcasting Regulatory Policy 2022-332 does not specify a minimum level of weekly news to be broadcast, it does specify the type of spoken word material that must be included as part of a station's local programming. In accordance with that regulatory policy, the Commission reminds the licensee that its station, in its local programming, must incorporate spoken word material of direct and particular relevance to the communities served, and that this programming must include local news, weather, sports coverage, and the promotion of local events and activities. In addition, the Commission encourages the licensee to ensure that a reasonable amount of daily local news and information is made available to those communities.

National Public Alerting System

19. The full participation of the broadcasting industry is important for ensuring that the NPAS is effective in safeguarding and warning Canadians. Accordingly, the Commission considers that compliance must be enforced. Stations that are in non-compliance with the requirements relating to the NPAS will be closely monitored to ensure that they come into compliance within the prescribed timeframe. The Commission could choose to apply other regulatory measures, such as those set out in Broadcasting Information Bulletin 2014-608, should the requirements relating to the NPAS not be fulfilled.

Force and effect of broadcasting licences

20. 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

21. 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

- *Revised Commercial Radio Policy*, Broadcasting Regulatory Policy CRTC 2022-332, 7 December 2022
- *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
- *Various radio and audio programming undertakings and network – Administrative renewals*, Broadcasting Decision CRTC 2021-298, 30 August 2021
- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2020-381, 27 November 2020
- *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 2014
- *Amendments to various regulations, the standard conditions of licence for video-on-demand undertakings and certain exemption orders – Provisions requiring the mandatory distribution of emergency alert messages*, Broadcasting Regulatory Policy CRTC 2014-444 and Broadcasting Orders CRTC 2014-445, 2014-446, 2014-447 and 2014-448, 29 August 2014

This decision is to be appended to the licence.

Appendix to Broadcasting Decision CRTC 2023-221

Terms, conditions of service, expectations and encouragement for the commercial ethnic AM radio programming undertaking CHMB Vancouver, British Columbia

Terms

The licence will expire 31 August 2028.

Conditions of service

1. The licensee shall adhere to the conditions of service set out in *Revised conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2022-334, 7 December 2022. 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*.³
3. During each broadcast week, the licensee shall provide programming directed to a minimum of 12 cultural groups in a minimum of 12 different languages.
4. During each broadcast week, the licensee shall provide programming directed to an Indigenous audience.
5. In order to comply with the requirements set out in subsection 16(2) of the *Radio Regulations, 1986* and in *Amendments to various regulations, the standard conditions of licence for video-on-demand undertakings and certain exemption orders – Provisions requiring the mandatory distribution of emergency alert messages*, Broadcasting Regulatory Policy CRTC 2014-444 and Broadcasting Orders CRTC 2014-445, 2014-446, 2014-447 and 2014-448, 29 August 2014, the licensee shall implement the National Public Alerting System (NPAS) by no later than **30 November 2023**. As part of this requirement:
 - a. The licensee must file with the Commission a letter attesting to the implementation date of its NPAS within 14 days after the installation. In this letter, the licensee must confirm whether maintenance, testing and updating procedures have been adopted for its automated emergency alert message distribution equipment.

³ 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*.

- b. In addition, the licensee must file with the Commission the results of its first NPAS test, as scheduled by the relevant alerting authorities, within two weeks after the occurrence of such a system test.

For the purpose of these conditions of service, the term “broadcast week” shall have the same meaning as that set out in the *Radio Regulations, 1986*.

Expectations

Cultural diversity

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

Canadian emerging artists

Consistent with the Commission’s determination set out in *Revised Commercial Radio Policy*, Broadcasting Regulatory Policy CRTC 2022-332, 7 December 2022 (Broadcasting Regulatory Policy 2022-332), the Commission expects the licensee to devote, in each broadcast week, at least 5% of the station’s musical selections to selections from Canadian emerging artists broadcast in their entirety. The licensee should report annually on how it has met this expectation, including the percentage of selections from Canadian emerging artists out of the total number of musical selections that were aired, and the number of distinct artists whose music has been aired. The licensee should also be able to provide, upon request, information such as a list of all titles, artists, and International Standard Recording Code (ISRC) numbers.

For the purposes of the above paragraph, the definition of “Canadian emerging artist” is the same as that set out in paragraph 346 of Broadcasting Regulatory Policy 2022-332.

Indigenous musical selections

Consistent with the Commission’s determination set out in *Revised Commercial Radio Policy*, Broadcasting Regulatory Policy CRTC 2022-332, 7 December 2022 (Broadcasting Regulatory Policy 2022-332), the Commission expects the licensee to include Indigenous musical selections on the station’s playlist. The licensee should report annually on the amount of Indigenous content aired on the station throughout the broadcast year (i.e., from 1 September to 31 August), including the percentage of Indigenous musical selections out of the total number of musical selections that were aired, and the number of distinct artists whose music has been aired. The licensee should also be able to provide, upon request, information such as a list of all titles, artists, and International Standard Recording Code (ISRC) numbers.

For the purposes of the above paragraph, the licensee may use the provisional definition of “Indigenous-Canadian musical selection” set out in paragraph 441 of Broadcasting Regulatory Policy 2022-332 to determine whether a musical selection can be considered an Indigenous musical selection.

Encouragement

In accordance with *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992, the Commission encourages the licensee to consider employment equity in its hiring practices and in all other aspects of its management of human resources.