



Broadcasting Decision CRTC 2023-255

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

Ottawa, 15 August 2023

Radio communautaire francophone de Montréal inc.
Montréal, Quebec

Public record: 2022-0741-4

CIBL-FM Montréal – Licence renewal

Summary

The Commission **renews** the broadcasting licence for the French-language community radio station CIBL-FM Montréal, Quebec, from 1 September 2023 to 31 August 2025. 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, Radio communautaire francophone de Montréal inc. filed an application to renew the broadcasting licence for the French-language community radio station CIBL-FM Montréal, Quebec, which expires 31 August 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 2022. The licence was administratively renewed until 31 August 2023 as a result of Broadcasting Decision 2021-299.

Background

4. In Broadcasting Decision 2012-704, the Commission renewed the broadcasting licence for CIBL-FM for a short-term period due to the licensee's non-compliance relating to the filing of annual returns.
5. In Broadcasting Decision 2019-222, the Commission renewed the broadcasting licence for CIBL-FM for a short-term period due to the licensee's non-compliance relating to the filing of annual returns, radio monitoring material and local spoken word programming and musical selections.

Non-compliance

Radio monitoring material

6. 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.
7. Pursuant to this authority, the Commission made paragraph 9(3)(a) of the *Radio Regulations, 1986* (the Regulations), which specifies that a licensee shall submit the information required by the station self-assessment report when requested by the Commission. The Commission also made paragraph 9(3)(b) of the Regulations, which sets out the requirements regarding the information on musical selections that licensees must include in their music lists for any period specified by the Commission.
8. 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, paragraphs 9(3)(a) and 9(3)(b) of the Regulations are considered to be conditions of service pursuant to paragraph 9.1(1)(o) of the new *Broadcasting Act*, and licensees continue to be subject to these requirements.
9. As part of CIBL-FM's licence renewal process, the Commission evaluated the station's programming for the broadcast week of 3-9 October 2022 broadcast week and noted a lack of consistency between the music list and the self-assessment report filed by the licensee. Specifically, the Commission noted the following irregularities:
 - 453 musical selections broadcast were missing from the music list;

- there was an 18% discrepancy between the total number of vocal musical selections listed in the self-assessment report and those indicated in the music list; and
 - there was an 8% discrepancy between the number of French-language vocal musical selections listed in the self-assessment report and those indicated in the music list.
10. The licensee stated that it had created the music list using a software application, and that it had added appendices to it for certain programs produced by volunteers who had not used the software for their programs.
 11. The licensee also noted that it had included musical selections from content category 3 in its self-assessment report, stating that it was unaware that the Regulations applied only to musical selections from content category 2.
 12. The licensee noted that, despite the discrepancies identified, it was in compliance with the other regulatory requirements. It stated that in the future, it would file a single list including all the musical selections broadcast and would file the required information. The licensee acknowledged that CIBL-FM is in non-compliance and undertook to comply with the requirements and determinations of the Commission in the future.
 13. In light of the above, the Commission finds Radio communautaire francophone de Montréal inc. in non-compliance with paragraphs 9(3)(a) and 9(3)(b) of the Regulations.

Regulatory measures

14. 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.
15. In regard to CIBL-FM and the licensee's non-compliance with paragraphs 9(3)(a) and 9(3)(b) of the Regulations, the Commission notes that the explanations provided by the licensee demonstrate its unfamiliarity with the applicable rules, despite the fact that it has been on the air for several years. The licensee has contacted Commission staff to obtain clarification on the non-compliances identified and recommendations to ensure the station's compliance in the future.
16. The Commission notes the licensee's willingness and commitment to operate the station in accordance with its regulatory obligations. However, the licensee has not proposed any concrete actions or measures to this effect. Given that this is the second consecutive licence term in which CIBL-FM has been found to be in non-compliance with subsection 9(3) of the Regulations regarding the obligation to

provide a complete and accurate self-assessment report, the Commission finds it appropriate to renew the licence for the station for a short-term period, which will allow for an earlier review of the licensee's compliance with its regulatory requirements.

17. In addition, in light of the serious and repeated nature of CIBL-FM's non-compliance, the Commission finds that it would be appropriate to require Radio communautaire francophone de Montréal inc. to broadcast on CIBL-FM an on-air announcement regarding its non-compliance. Accordingly, and pursuant to subsection 9.1(1) of the *Broadcasting Act*, the Commission **orders** the licensee, as a condition of service, to broadcast an on-air announcement three times a day, distributed in a reasonable manner between 6:00 a.m. and 10:00 a.m. or between 4:00 p.m. and 6:00 p.m., for five consecutive business days within the 14-day period following the beginning of the new licence term. To confirm compliance with this requirement, the Commission also **orders** the licensee, as a condition of service, to provide to the Commission the audio recordings for the broadcast days during which the announcement was broadcast and file, by no later than 14 days following the final broadcast of the announcement, a completed and signed *Attestation as to the broadcast of the non-compliance announcement on CIBL-FM Montréal*, which can be found in Appendix 2 to this decision. For ease of reference, the **condition of service** to that effect is set out in Appendix 1 to this decision.
18. 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 raised as part of this process, the Commission considers the Part 1 proceeding has fulfilled the publication and consultation requirement for purposes of subsection 9.1(4) of the new *Broadcasting Act* in this case.

Conclusion

19. In light of all of the above, the Commission **renews** the broadcasting licence for the French-language community radio programming undertaking CIBL-FM Montréal, Quebec, from 1 September 2023 to 31 August 2025.
20. 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.
21. Pursuant to the authority specified in paragraphs 1 and 20 of this decision, the Commission has imposed **conditions of service** for this licensee, which are set out in the Appendix 1 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

22. 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.
23. Should the licensee continue to be in non-compliance with regulatory requirements, the Commission may consider recourse to additional measures, including the issuance of a mandatory order, or the revocation, non-renewal or suspension of the licence pursuant to sections 9 and 24 of the *Broadcasting Act*.

Radio monitoring materials

24. The Commission is charged with the supervision and regulation of the Canadian broadcasting system. The submission of complete and accurate radio monitoring materials enables the Commission to conduct an analysis of a station's programming to verify compliance with the Regulations and conditions of service. The retention of these radio monitoring materials makes it possible for the Commission to investigate a station's programming in the case of complaints. As such, any licensee that does not file the requested material in a timely manner, files material that is incomplete or does not file the material at all, affects the ability of the Commission to adequately perform its duty to independently confirm the licensee's adherence to its regulatory obligations. These filings also become important indicators of whether the licensee has the willingness, ability and knowledge necessary to bring itself into compliance and maintain such compliance.

Force and effect of broadcasting licences

25. 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

26. 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

- *Various campus and community radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2021-299, 30 August 2021
- *CIBL-FM Montréal – Licence renewal*, Broadcasting Decision CRTC 2019-222, 25 June 2019
- *Update on the Commission’s approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 2014
- *Various campus and community radio programming undertakings – Licence renewals*, Broadcasting Decision CRTC 2012-704, 21 December 2012

This decision is to be appended to the licence.

Appendix 1 to Broadcasting Decision CRTC 2023-255

Terms, conditions of service, expectations and encouragement for the French-language community radio programming undertaking CIBL-FM Montréal, Quebec

Terms

The licence will expire 31 August 2025.

Conditions of service

1. The licensee shall adhere to the conditions set out in *Standard conditions of licence for campus and community radio stations*, Broadcasting Regulatory Policy CRTC 2012-304, 22 May 2012, as well as to the conditions 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. a) The licensee shall broadcast the following announcement three times a day, distributed in a reasonable manner, between 6:00 a.m. and 10:00 a.m. or between 4:00 p.m. and 6:00 p.m., for five consecutive business days, within the 14-day period immediately following the beginning of the new licence term (1 September to 15 September 2023):

Radio frequencies are a limited public resource. Holding a broadcasting licence is a privilege, and broadcasters are required to abide by a number of regulations and conditions of service in order to operate a radio station. In Broadcasting Decision 2023-255, the CRTC determined that this station is in non-compliance with the *Radio Regulations, 1986*. The instances of non-compliance are a recurring issue. CIBL-FM has put measures in place to ensure that the instances of non-compliance in question do not reoccur.

- b) The licensee shall, by no later than 14 days following the final broadcast of the announcement, provide to the Commission the audio recordings for the broadcast days during which the announcement was broadcast, and file a completed and signed *Attestation as to the broadcast of the non-compliance announcement on CIBL-FM Montréal*, set out in Appendix 2 to *CIBL-FM Montréal – Licence renewal*, Broadcasting Decision CRTC 2023-255, 15 August 2023.

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*.

Expectations**Cultural diversity**

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

Updates on boards of directors of community and campus radio stations

As set out in *Campus and community radio policy*, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010, 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. As noted in Appendix 3 to that policy, licensees may submit such documentation via 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.

Appendix 2 to Broadcasting Decision CRTC 2023-255

Attestation as to the broadcast of the non-compliance announcement on CIBL-FM Montréal

As regards the requirements set out in condition of licence 3 in Appendix 1 to *CIBL-FM Montréal – Licence renewal*, Broadcasting Decision CRTC 2023-255, 15 August 2023, I, _____ (NAME), on behalf of _____ (LICENSEE), certify that the announcement regarding CIBL-FM Montréal's non-compliance with the *Radio Regulations, 1986* and its conditions of licence was duly broadcast three times a day and distributed in a reasonable manner between 6:00 a.m. and 10:00 a.m. or between 4:00 p.m. and 6:00 p.m. for five consecutive business days within the 14-day period immediately following 1 September 2023, the beginning of the new licence term, as follows:

First date of broadcast:		Times	1:	2:	3:
Second date of broadcast:		Times	1:	2:	3:
Third date of broadcast:		Times	1:	2:	3:
Fourth date of broadcast:		Times	1:	2:	3:
Fifth date of broadcast:		Times	1:	2:	3:

Signature

Date