



Broadcasting Decision CRTC 2023-257

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

Ottawa, 16 August 2023

I.T. Productions Ltd.

Vancouver, British Columbia

Public record: 2022-0759-7

CJRJ Vancouver – Licence renewal

Summary

The Commission **renews** the broadcasting licence for the commercial ethnic radio station CJRJ Vancouver, British Columbia, from 1 September 2023 to 31 August 2027. 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, I.T. Productions Ltd. (I.T. Productions) filed an application to renew the broadcasting licence for the commercial ethnic radio station CJRJ Vancouver, British Columbia, which expires 31 August 2023.

Interventions and reply

4. The Commission received 22 interventions in support and one intervention in opposition to the application from Sher-E-Punjab Radio Broadcasting Inc. (Sher-E-

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

Punjab), the licensee of the commercial ethnic radio station CKSP Vancouver. The licensee replied to the intervention.

5. In its intervention, Sher-E-Punjab submitted that on 11 February 2021, it was informed by the Department of Industry (also known as Innovation, Science and Economic Development Canada [ISED]) that I.T. Productions had submitted a complaint against its station. The complaint alleged that CKSP was causing interference to CJCN-FM Vancouver and CJRJ.
6. The intervener alleged that, in response, it performed a number of measurements and determined that CJRJ was operating outside of its approved operating parameters. The intervener consequently forwarded its findings to ISED. According to Sher-E-Punjab, ISED investigated and ultimately dismissed the complaint made by CJRJ.
7. In reply, the licensee submitted a letter from a technical consultant which explained that CKSP relocated its transmitter and increased its power, which resulted in a disparity in the strengths of the two stations' signals.
8. The Commission notes that the existing operating parameters of CKSP were found to be technically acceptable by ISED and were approved by the Commission in Broadcasting Decision 2018-283. Furthermore, the Commission considers that the issue of interference falls under the purview of ISED. Should ISED determine that corrective action is warranted in the future, the Commission can reconsider the situation at that time.

Background

9. In Broadcasting Decision 2013-164, the Commission found the licensee in non-compliance with subsection 9(2) of the *Radio Regulations, 1986* (the Regulations) relating to the filing of complete and accurate annual returns and with its condition of licence relating to contributions to Canadian talent development (now Canadian content development [CCD]).
10. In Broadcasting Decision 2017-454, the Commission found the licensee in non-compliance with subsection 9(2) of the Regulations and with its condition of licence relating to CCD contributions.
11. In Broadcasting Decision 2020-303, the Commission found the licensee in non-compliance with paragraph 9(3)(a) of the Regulations relating to the filing of an accurate self-assessment report.
12. The Commission also found the licensee in non-compliance with condition of licence 2 and condition of licence 8 set out in Appendix 1 to Broadcasting Decision 2017-454 relating to the requirement to direct programming to at least 11 cultural groups in at least 17 different languages in each broadcast week and relating to the requirement to make CCD contributions, respectively.

Non-compliance

Radio monitoring materials

Self-assessment report

13. 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.
14. Pursuant to this authority, the Commission made paragraph 9(3)(a) of the Regulations, which specifies that a licensee shall submit the information required by the station self-assessment report when requested by the Commission.
15. 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, paragraph 9(3)(a) 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.
16. As part of CJRJ's licence renewal process, the Commission noted the following irregularities in the list of musical selections and the self-assessment report submitted by I.T. Productions for the 3 to 9 October 2021 broadcast week:
 - the music list identified 14 musical selections from content category 2 (Popular Music) while the self-assessment report identified 15 musical selections; and
 - the musical list identified 1,314 musical selections from content category 3 (Special Interest Music) while the self-assessment report identified 1,295 musical selections.
17. The licensee stated that after the last licence renewal, it put in place a process in which it bridged responsibility among multiple employees who checked each other's work throughout the process. However, the licensee indicated that its revenues dropped during the COVID-19 pandemic, which led it to cut several administrative positions. As such, only one employee was preparing the self-assessment report.
18. The licensee further stated that CJRJ now has more employees, allowing it to review the reports before sending them to the Commission.
19. In light of the above, the Commission finds the licensee in non-compliance with paragraph 9(3)(a) of the Regulations.

Music list

20. Pursuant to the authority granted by paragraph 10(1)(i) of the old *Broadcasting Act*, the Commission 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 lists of musical selections for any period specified by the Commission.
21. As noted above, pursuant to subsection 49(2) of the *Online Streaming Act*, paragraph 9(3)(b) 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.
22. The Commission examined CJRJ's programming and noted the following irregularities in the music list submitted by I.T. Productions:
 - 17 musical selections were broadcast but not listed;
 - 222 musical selections did not include the performer name; and
 - 285 musical selections did not include the language.
23. As noted above, the licensee stated that due to a drop in revenues during the COVID-19 pandemic, it only had one employee reviewing the reports. It now has more employees that will enable it to review the reports before sending them to the Commission.
24. The licensee added that it created an additional program for its proprietary playback and automation system. As per the licensee, this method will cut down significantly on the time to find information for many of the songs that it has in its catalogue that do not have the full set of required information.
25. In light of the above, the Commission finds the licensee in non-compliance with paragraph 9(3)(b) of the Regulations.

Third-language programming (condition of service 3)

26. Pursuant to subsection 9(1) of the old *Broadcasting Act*, the Commission had the authority to issue and renew licences for such terms not exceeding seven years and subject to such conditions related to the circumstances of the licensee as it deems appropriate for the implementation of the broadcasting policy set out in subsection 3(1) of that Act.
27. The broadcasting policy set out in subparagraph 3(1)(d)(iii) of the old *Broadcasting Act* provides that the Canadian broadcasting system should, through its programming and the employment opportunities arising out of its operations, serve the needs and interests, and reflect the circumstances and aspirations of Canadian men, women and children, including equal rights, the linguistic duality and multicultural and

multiracial nature of Canadian society and the special place of Indigenous peoples within that society.

28. Pursuant to the authority granted by subsection 9(1) of the old *Broadcasting Act*, and consistent with provisions set out in subparagraph 3(1)(d)(iii), the Commission had imposed conditions of licence (condition of service) on ethnic radio stations requiring them to direct programming to a variety of cultural groups in a variety of languages.
29. The licensee is subject to a condition of service which requires it to devote at least 95% of CJRJ's programming to third-language programs, as defined by the Regulations. Based on an analysis of the materials provided by the licensee, there was an apparent shortfall of at least 4.2% for this requirement.
30. The licensee stated that it was facing a shortage of employees and of third-language producers in late 2020 and in 2021. As such, it had to change its programming to include English-language programming on issues of concern to the community.
31. The licensee added that it hired two new employees and ensured that the hosts have strong third-language skills. Based on its calculations, 96% of its programming is now in third languages.
32. In light of the above, the Commission finds the licensee in non-compliance with condition of service 3 set out in Appendix 1 to Broadcasting Decision 2020-303.

Regulatory measures

33. 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.
34. The Commission notes the licensee's willingness to ensure the station's compliance with regulatory requirements. The Commission is of the view that the licensee's proposed measures should help it achieve compliance. However, given the seriousness of the various instances of non-compliance along with the recurrence of the licensee's non-compliance with requirements relating to the submission of an accurate self-assessment report, the Commission finds that it would be appropriate to renew the broadcasting licence for CJRJ for a short-term period, which will allow for an earlier review of the licensee's compliance with its regulatory requirements.

Conclusion

35. In light of all of the above, the Commission **renews** the broadcasting licence for the commercial ethnic radio programming undertaking CJRJ Vancouver, British Columbia, from 1 September 2023 to 31 August 2027.

36. 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.
37. Pursuant to the authority specified in paragraphs 1 and 36 of this decision, the Commission has imposed **conditions of service** for this licensee, which 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

38. 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.
39. 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*.

Importance of filing radio monitoring materials

40. 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.

Importance of fulfilling third-language programming requirements

41. The Canadian broadcasting system should support the production and broadcasting of programs in a diversity of languages that reflect the diversity of the ethnocultural composition of Canadian society. It is important that ethnic radio stations fulfil their obligations to broadcast the required level of third-language programming to ensure that Canadians have the opportunity to listen to programming that reflects them.

Local news

42. 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.
43. 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.

Force and effect of broadcasting licences

44. 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 ISED lapse.

Practical guide for radio licence renewals

45. 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
- *CJRJ Vancouver – Licence renewal*, Broadcasting Decision CRTC 2020-303, 26 August 2020

- *Ethnic commercial AM radio station – Technical changes*, Broadcasting Decision CRTC 2018-283, 14 August 2018
- *CJRJ Vancouver – Licence renewal*, Broadcasting Decision CRTC 2017-454, 19 December 2017
- *Update on the Commission’s approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 2014
- *A targeted policy review of the commercial radio sector*, Broadcasting Regulatory Policy CRTC 2014-554, 28 October 2014
- *CJRJ Vancouver – Licence renewal*, Broadcasting Decision CRTC 2013-164, 28 March 2013

This decision is to be appended to the licence.

Appendix to Broadcasting Decision CRTC 2023-257

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

Terms

The licence will expire 31 August 2027.

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*.²
3. In each broadcast week, the licensee shall direct programming to at least 11 cultural groups in at least 17 different languages.
4. In each broadcast week, the licensee shall devote all of its programming to ethnic programs, and at least 95% of its programming to third-language programs, as defined in the *Radio Regulations, 1986*.
5. The licensee shall ensure that at least 73% of the ethnic programs broadcast in each broadcast week are in the Hindustani and Punjabi languages.
6. The licensee shall not devote any of the programming it broadcasts to programming in a Chinese language.
7. The licensee is exempt from the provisions of section 15 of 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.

² 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*.

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.