



Broadcasting Decision CRTC 2023-346

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Reference: Part 1 licence renewal application posted on 26 January 2023

Ottawa, 23 October 2023

2251723 Ontario Inc.

Montréal and surrounding areas, Quebec

Public record: 2020-0550-4

Terrestrial broadcasting distribution undertaking serving Montréal and surrounding areas – Licence renewal

Summary

The Commission **renews** the broadcasting licence for the terrestrial broadcasting distribution undertaking serving Montréal and surrounding areas, Quebec, from 1 January 2024 to 31 August 2030.

Application

1. The Commission has the authority, pursuant to subsections 9(1), 9.1(1) and 11.1(2) 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*, and to make orders respecting expenditures.
2. 2251723 Ontario Inc. filed an application to renew the broadcasting licence for its terrestrial broadcasting distribution undertaking (BDU) serving Montréal and surrounding areas, Quebec, which expires 31 December 2023.¹ The Commission did not receive any interventions in regard to this application.

Non-compliance

3. Paragraph 10(1)(k) of the *Broadcasting Act* authorizes the Commission, in furtherance of its objects, to make regulations respecting such other matters as it deems necessary for the furtherance of its objects, which includes the implementation of the broadcasting policy set out in subsection 3(1). Paragraph 3(1)(e) of the *Broadcasting Act* declares that each element of the Canadian broadcasting system

¹ The original licence expiry date for the service was 31 August 2021. The licence was administratively renewed until 31 August 2022 as a result of Broadcasting Decision 2021-294, until 31 August 2023 as a result of Broadcasting Decision 2022-179, and until 31 December 2023 as a result of Broadcasting Decision 2023-299.

shall contribute in an appropriate manner to the creation and presentation of Canadian programming.

4. Pursuant to the authority granted by paragraph 10(1)(k) of the *Broadcasting Act*, and consistent with the provisions set out in paragraph 3(1)(e), the Commission made section 35 of the *Broadcasting Distribution Regulations* (the Regulations), which requires licensees of BDUs to devote 0.3% of gross annual revenues derived from broadcasting activities in the previous broadcast year to the Independent Local News Fund (ILNF).
5. On 27 April 2023, the *Online Streaming Act* came into force and introduced a number of amendments to the *Broadcasting Act*. Under the new *Broadcasting Act*, section 11.1 authorizes the Commission to make regulations or orders respecting expenditures supporting Canadian creators and the production and promotion of Canadian audio-visual programs. Subsection 50(1) of the *Online Streaming Act* further stipulates that any regulation respecting such expenditures made pursuant to subsection 10(1) of the old *Broadcasting Act* is deemed to be a regulation made under subsection 11.1(1) of the new *Broadcasting Act*. As such, section 35 of the Regulations is now deemed to have been enacted pursuant to subsection 11.1(1) of the new *Broadcasting Act*.
6. According to Commission records, the licensee did not make its required contributions to the ILNF for the 2018-2019 and 2019-2020 broadcast years.
7. The licensee stated that it erroneously made these payments to the Canada Media Fund instead of the ILNF due to a lack of familiarity with the ILNF.
8. However, when the error came to its attention, the licensee remedied the situation by making the required payments to the ILNF and providing proof of payment for both the 2018-2019 and 2019-2020 broadcast years. The licensee made the required payments in subsequent years.
9. In light of the above, the Commission finds the licensee in non-compliance with section 35 of the Regulations for the 2018-2019 and 2019-2020 broadcast years. However, given that the shortfalls were paid and the non-compliance did not recur, the Commission finds that no further action is warranted.

Conditions of service

10. The Wholesale Code, set out in the appendix to Broadcasting Regulatory Policy 2015-438, was established after the licensee's last licence renewal in 2015. Consistent with the Commission's policies, all licensed BDUs are to adhere to the Wholesale Code. Accordingly, and pursuant to subsection 9.1(1) of the *Broadcasting Act*, the Commission **orders** the licensee, as a **condition of service**, to adhere to the Wholesale Code set out in the appendix to Broadcasting Regulatory Policy 2015-438.
11. The Television Service Provider Code set out in the appendix to Broadcasting Regulatory Policy 2016-1 was established after the licensee's last licence renewal in

2015. Consistent with the Commission's policies, all licensed BDUs are to adhere to the Television Service Provider Code. Accordingly, and pursuant to subsection 9.1(1) of the *Broadcasting Act*, the Commission **orders** the licensee, as a **condition of service**, to adhere to the Television Service Provider Code set out in the appendix to Broadcasting Regulatory Policy 2016-1.

12. In order to ensure that BDU licensees adhere to the requirements of the Television Service Provider Code, Commission policy requires them to participate in the Commission for Complaints for Telecom-television Services (CCTS), which administers the code. Accordingly, and pursuant to subsection 9.1(1) of the *Broadcasting Act*, the Commission **orders** the licensee, as a **condition of service**, to be a participant in the CCTS.
13. In Telecom and Broadcasting Decision 2022-28, the Commission indicated that it intends to impose a condition of service at BDUs' next licence renewals to ensure that all Canadians have access to their billing information. Accordingly, and pursuant to subsection 9.1(1) of the *Broadcasting Act*, the Commission **orders** the licensee, as a **condition of service**, to provide paper bills to specific groups of consumers on demand and to introduce related consumer measures, consistent with that policy.
14. The Commission notes that the licensee was questioned about all of these conditions and did not object to being subject to them.

Conclusion

15. In light of all of the above, the Commission **renews** the broadcasting licence for the terrestrial BDU serving Montréal and surrounding areas from 1 January 2024 to 31 August 2030.
16. Pursuant to subsections 49(1) and 50(2) 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*, or subsection 11.1(2) in the case of expenditure requirements. 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 Commission has set out the **conditions of service** for this licensee in the appendix to this decision.
17. 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.
18. With respect to the conditions of service imposed at paragraphs 10 to 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 the Commission's policies regarding the Wholesale Code, the Television Service Provider Code, the CCTS and paper billing, the Commission considers that public proceeding sufficient to achieve the purposes of the publication and

consultation requirements set out in subsection 9.1(4) of the new *Broadcasting Act* in this case.

Secretary General

Related documents

- *Various conventional and educational television programming undertakings, community programming services, discretionary services, on-demand services and terrestrial broadcasting distribution undertakings – Administrative renewals*, Broadcasting Decision CRTC 2023-299, 29 August 2023
- *Various terrestrial broadcasting undertakings – Administrative renewal*, Broadcasting Decision CRTC 2022-179, 4 July 2022
- *When and how communications service providers must provide paper bills*, Telecom and Broadcasting Decision CRTC 2022-28, 10 February 2022
- *Various terrestrial broadcasting undertakings – Administrative renewal*, Broadcasting Decision CRTC 2021-294, 23 August 2021
- *The Television Service Provider Code*, Broadcasting Regulatory Policy CRTC 2016-1, 7 January 2016
- *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015

This decision is to be appended to the licence.

Appendix to Broadcasting Decision CRTC 2023-346

Terms, conditions of service, expectations and encouragement for the terrestrial broadcasting distribution undertaking serving Montréal and its surrounding areas, Quebec

Terms

The licence will expire 31 August 2030.

Conditions of service

1. The licensee shall adhere to all applicable requirements set out in the *Broadcasting Distribution Regulations*, that were made under paragraph 10(1)(a) or under paragraph 10(1)(i) of the old *Broadcasting Act*.²
2. The licensee shall provide one or more simple means of accessing described programming, whether in an open or embedded format, that requires little or no visual acuity.
3. The licensee shall caption 100% of original licensee-produced programming on the community channel.
4. The licensee shall provide audio description for all the key elements of information programs, including news programming on its community channel (that is, the voice-over of key textual, graphic design and still image elements, such as phone numbers, stock information or weather maps that are posted on the screen).
5. The licensee shall adhere to the Wholesale Code set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, in its dealings with any broadcasting undertaking.
6. The licensee shall adhere to the Television Service Provider Code set out in the appendix to *The Television Service Provider Code*, Broadcasting Regulatory Policy CRTC 2016-1, 7 January 2016.
7. The licensee shall be a participant in the Commission for Complaints for Telecom-television Services.
8. Consistent with *When and how communications service providers must provide paper bills*, Telecom and Broadcasting Decision CRTC 2022-28, 10 February 2022, the licensee shall provide paper bills upon request and at no charge to:

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*.

- customers who self-identify as people with disabilities for whom e-billing represents a barrier to accessing their billing statement;
- any customer who does not subscribe to Internet or wireless data from a provider related to the licensee; and
- seniors.

The licensee shall also:

- make information easily available concerning how to request paper bills in the billing information or frequently asked questions sections of their websites, in their account management systems, and through their customer service representatives;
 - train customer service representatives on how to answer inquiries on paper bills;
 - inform any new customer whether they provide paper bills generally or whether paper bills are limited to certain groups, including those mandated by the Commission; and
 - obtain verbal or written consent prior to transitioning customers who do not subscribe to Internet access or mobile data services from a provider related to the licensee to electronic billing and maintain associated records.
9. The licensee shall promote information on all of its disability-specific services and products, in the accessible manner(s) of its choice.
 10. The licensee shall incorporate an easy-to-find home page link to the special needs/disability sections of its website, if its website includes such sections.
 11. The licensee shall make the information on its website accessible to the point of providing reasonable accommodation for persons with disabilities. Examples of what the Commission considers to be reasonable accommodations are listed in paragraph 66 of *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009.
 12. Where customer services functions on its website are not accessible, the licensee shall ensure that persons with disabilities will not incur a charge or otherwise be disadvantaged if they use an alternate avenue of customer service.
 13. The licensee shall make accessible any customer service functions that are available solely over its website.
 14. The licensee shall make its general call centres accessible to the point of providing reasonable accommodation to persons with disabilities by:

- a. training customer service representatives in handling enquiries from persons with disabilities and familiarizing them with the service provider's products and services for persons with disabilities; and
- b. making its Interactive Voice Response systems accessible.

Expectations

Information available in alternative formats

The Commission expects the licensee to make information available in alternative formats to subscribers regarding, among other things, the programming and services offered and the channel line-up.

Closed captioning of sponsorship messages

The Commission expects the licensee to ensure that 100% of original access programming aired on its community channel is captioned.

Cultural diversity

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

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.