



Broadcasting Decision CRTC 2007-322

Ottawa, 22 August 2007

Radio 1540 Limited

Toronto, Ontario

Applications 2007-0286-2 and 2007-0288-8, received 19 February 2007

Broadcasting Public Notice CRTC 2007-65

19 June 2007

CHIN-FM and CHIN Toronto and its transmitter – Licence renewal

*The Commission **renews** the broadcasting licences for the commercial ethnic radio programming undertakings CHIN-FM and CHIN and its transmitter CHIN-1-FM Toronto from 1 September 2007 to 31 August 2011. This short-term renewal will permit the Commission to review at an earlier date the licensee's compliance with its condition of licence relating to Canadian content development.*

The applications

1. The Commission received applications by Radio 1540 Limited (Radio 1540) to renew the broadcasting licences for the commercial ethnic radio programming undertakings CHIN-FM and CHIN and its transmitter CHIN-1-FM Toronto. The current licences expire 31 August 2007.
2. On 19 June 2007, in Broadcasting Public Notice 2007-65, the Commission announced the receipt of the applications and noted the licensee's apparent non-compliance with each station's condition of licence relating to Canadian talent development (CTD) contributions for the years 2001 and 2003.
3. The Commission did not receive any interventions in connection with these applications.

Non-compliance

4. In letters dated 24 and 27 March 2007, the Commission indicated to the licensee that CRTC records showed that it had not expended its annual CTD contribution of \$27,000 for the 2001 broadcast year, as required under the Canadian Association of Broadcasters' former CTD funding plan and the licensee's current conditions of licence. A further review of its expenditures showed a cumulative shortfall of \$5,895 for the 2003 broadcast year. The Commission asked the licensee to provide its plans towards the fulfillment of this shortfall or evidence that this shortfall had been met.

5. In reply, Radio 1540 noted that much of the contributions for 2001 were, in fact, deferred to the 2002 fiscal year. The licensee also indicated that its 2003 broadcast year shortfall would be paid in full by the end of the 2007 fiscal year.

Commission's analysis and determinations

6. The Commission has reviewed the renewal application and the licensee's file. The Commission notes that the licensee has met its overall funding commitment with respect to CTD over the current licence term. The Commission also notes that this represents Radio 1540's first instance of non-compliance with respect to CHIN-FM and CHIN's CTD contributions. However, given that the CTD contribution specified in each station's condition of licence was to be disbursed on an annual basis, the Commission is of the view that it would be appropriate to renew the licences for a short-term period of four years, in accordance with Circular No. 444. This short-term renewal will enable the Commission to review at an earlier date the licensee's compliance with its condition of licence relating to Canadian content development.
7. Accordingly, the Commission **renews** the broadcasting licence for the commercial ethnic radio programming undertaking CHIN-FM Toronto from 1 September 2007 to 31 August 2011. The licence will be subject to the **conditions** set out in the appendix to this decision, as well as to the following **condition**:
 - The licensee shall provide programming directed to a minimum of 23 cultural groups in a minimum of 20 different languages.
8. The Commission also **renews** the broadcasting licence for the commercial ethnic radio programming undertaking CHIN and its transmitter CHIN-1-FM Toronto from 1 September 2007 to 31 August 2011. The licence will be subject to the **conditions** set out in the appendix to this decision, as well as to the following **condition**:
 - The licensee shall provide programming directed to a minimum of 23 cultural groups in a minimum of 17 different languages.

Canadian content development

9. In its *Commercial Radio Policy 2006* announced in Broadcasting Public Notice 2006-158 (Public Notice 2006-158), the Commission set out a new approach to the development and promotion of Canadian artists. In order to reflect a new emphasis on development initiatives that lead to the creation of audio content for broadcasting Canadian resources, the Commission replaced the expression "Canadian talent development" (CTD) with "Canadian content development" (CCD). Under the new

policy, each radio station holding a commercial radio licence is required to make a basic annual CCD contribution based on its total broadcast revenues in the previous broadcast year. This requirement will be reflected in the *Radio Regulations, 1986* (the Regulations). Until such time, it will be implemented by a transitional condition of licence, as set out in the appendix to this decision. This condition of licence will expire upon the coming into force of the amendments to the Regulations.

10. In the past, the Commission has approved CCD contributions directed to the Canadian Association of Ethnic Broadcasters' (CAEB) catalogue of ethnic recordings. However, the Commission is of the view that the CAEB catalogue, in its present state, does not effectively support or promote Canadian ethnic artists. Accordingly, the CAEB catalogue cannot be considered to be an eligible recipient of CCD funding in accordance with Public Notice 2006-158.

Employment equity

11. Because this licensee is subject to the *Employment Equity Act* and files reports concerning employment equity with the Department of Human Resources and Skills Development, its employment equity practices are not examined by the Commission.

Secretary General

Related documents

- Broadcasting Public Notice CRTC 2007-65, 19 June 2007
- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006
- *Practices regarding radio non-compliance*, Circular No. 444, 7 May 2001
- *New licence form for commercial radio stations*, Public Notice CRTC 1999-137, 24 August 1999

This decision is to be appended to each licence. It is available in alternative format upon request and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>

Appendix to Broadcasting Decision CRTC 2007-322

Conditions of licence for CHIN-FM and CHIN and its transmitter CHIN-1-FM Toronto

1. The licence shall be subject to the conditions set out in *New licence form for commercial radio stations*, Public Notice CRTC 1999-137, 24 August 1999, with the exception of condition of licence number 5.
2. The licensee shall make a basic annual contribution to Canadian content development (CCD). The amount of the contribution shall be determined in accordance with the policy set out in *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006 (Public Notice 2006-158), as amended from time to time.

The licensee shall allocate 60% of this basic annual CCD contribution to FACTOR, MUSICACTION or other eligible initiatives that support the creation of ethnic programs.

The remainder of the annual basic contribution to CCD shall be allocated to parties and initiatives fulfilling the definition of eligible initiatives in Public Notice 2006-158.

This condition of licence shall expire upon the coming into force of the amendments to the *Radio Regulations, 1986* relating to CCD.