



Broadcasting Decision CRTC 2011-713

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Route reference: 2011-427

Additional reference: 2011-427-1

Ottawa, 17 November 2011

Cottage Life Television Inc.
Across Canada

Application 2011-0834-0, received 10 May 2011
Public hearing in the National Capital Region
19 September 2011

Cottage Life Television – Specialty Category B service

*The Commission **approves** an application for a broadcasting licence to operate a new specialty Category B service.*

The application

1. Cottage Life Television Inc. (CLT) filed an application for a broadcasting licence to operate Cottage Life Television, a national, English-language specialty Category B service that would offer information and lifestyle programming about cottage communities and cottage activities such as boating, swimming, fishing, golfing, water sports and indoor games; information about buying, selling, renting and renovating cottage properties; and programs of special interest to the cottage owner dealing with such matters as shoreline, docks, decks, boathouses, water supply, wood stoves, cottage cooking and recipes, and the history of cottaging. The Commission did not receive any interventions in connection with this application.
2. CLT is wholly-owned by Quarto Communications Inc. and controlled by Mr. Al Zikovitz.
3. The applicant proposed to draw programming from the following program categories set out in Item 6 of Schedule I to the *Specialty Services Regulations, 1990*, as amended from time to time: 1, 2(a), 2(b), 3, 4, 5(a), 5(b), 6(a), 6(b), 7(a), 7(b), 7(c), 7(d), 7(e), 7(f), 7(g), 8(a), 8(b), 8(c), 9, 10, 11,¹ 12, 13 and 14.

¹ In Broadcasting Regulatory Policy 2011-401, the Commission formally announced that it had amended program category 11 to add a new category 11(b) Reality television. Consistent with this change, the Commission has added an authorization to broadcast programming from both 11(a) General entertainment and human interest and the new 11(b) program category.

4. The applicant stated that no more than 10% of all programming broadcast during the broadcast month would be drawn from each of program categories 6(a), 7(d) and 7(e), as well as from program categories 8(b) and 8(c) combined. However, the applicant submitted that the 10% standard limitation for programming drawn from program category 2(b), set out in Broadcasting Public Notice 2008-100, should not be imposed on the proposed service.

Commission's analysis and decisions

5. After examining the public record for this application in light of applicable regulations and policies, the Commission considers that the issue it must address is whether the standardized limitation of 10% on programming drawn from program category 2(b) should be imposed on the proposed service.
6. In support of its request in this regard, CLT argued that the standard limitations have always been applied to program categories that are ancillary to or outside a service's genre, and that such limitations have never been applied to program categories that are within a service's genre. As an example, it stated that many Category B services may draw an unlimited portion of their programming from program category 6(a) Professional sports when they are niche sports-oriented genres.
7. The applicant also noted that the Commission approved an application for a similar service (also named Cottage Life Television) in Decision 2000-492 without imposing a limit on the amount of programming that could be drawn from program category 2(b).
8. The Commission notes that the nature of service condition of licence for the service approved in Decision 2000-492 did not specify any limitations on the amount of programming that could be drawn from program category 2(b). However, Decision 2000-492 was issued prior to the Commission's decision, set out in Broadcasting Public Notice 2008-100, to impose on Category B services standardized limitations on the amount of programming that could be drawn from that program category, as well as from other program categories. Although CLT stated that it is not necessary to impose the 10% limit on programming drawn from program category 2(b), the Commission is of the view that the applicant did not provide sufficient evidence to justify its request. Accordingly, the Commission considers it appropriate to apply to the proposed service the standardized limitation of 10% to program category 2(b). A **condition of licence** to this effect is set out in the appendix to this decision. The Commission notes that even with this restriction, the service may broadcast more than 50 hours of programming from program category 2(b) each broadcast month.

Conclusion

9. Aside from those matters addressed above, the Commission is satisfied that the application complies with all applicable policies, terms and conditions, including those set out in Public Notice 2000-6, Broadcasting Public Notice 2008-100, and Broadcasting Regulatory Policies 2010-786 and 2010-786-1. Accordingly, the

Commission **approves** the application by Cottage Life Television Inc. for a broadcasting licence to operate the national, English-language specialty Category B service Cottage Life Television. The terms and **conditions of licence** are set out in the appendix to this decision.

Reminder

10. The Commission reminds the applicant that the distribution of this service is subject to the requirements set out in the *Broadcasting Distribution Regulations*.

Secretary General

Related documents

- *Standard conditions of licence, expectations and encouragements for Category B pay and specialty services – Corrected Appendices 1 and 2*, Broadcasting Regulatory Policy CRTC 2010-786-1, 18 July 2011
- *Amendments to certain Regulations made under the Broadcasting Act to add a new program category “Reality television”*, Broadcasting Regulatory Policy CRTC 2011-401, 30 June 2011
- *Standard conditions of licence, expectations and encouragements for Category B pay and specialty services*, Broadcasting Regulatory Policy CRTC 2010-786, 25 October 2010
- *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services – Regulatory policy*, Broadcasting Public Notice CRTC 2008-100, 30 October 2008
- *Cottage Life Television*, Decision CRTC 2000-492, 14 December 2000
- *Licensing framework policy for new digital pay and specialty services*, Public Notice CRTC 2000-6, 13 January 2000

**This decision is to be appended to the licence.*

Appendix to Broadcasting Decision CRTC 2011-713

Terms and conditions of licence for the specialty Category B service Cottage Life Television

Terms

A licence will be issued once the applicant has satisfied the Commission with supporting documentation that the following requirements have been met:

- the applicant has entered into a distribution agreement with at least one licensed distributor; and
- the applicant has informed the Commission in writing that it is prepared to commence operations and has provided the Commission with a launch date for the service. The undertaking must be operational at the earliest possible date and in any event no later than 48 months from the date of this decision.

The applicant must file, within 12 months of the date of this decision, an executed copy of the amended by-laws that ensure that the following companies are in compliance at all times with the *Direction to the CRTC (Ineligibility of Non-Canadians)*: Cottage Life Television Inc., Quarto Communications Inc., A Faire Aujourd'hui Inc., and ZR5 Inc

The licence will expire 31 August 2018.

Conditions of licence

1. The licence will be subject to the conditions set out in *Standard conditions of licence, expectations and encouragements for Category B pay and specialty services – Corrected Appendices 1 and 2*, Broadcasting Regulatory Policy CRTC 2010-786-1, 18 July 2011.
2. The licensee shall provide a national, English-language specialty Category B service offering information and lifestyle programming about cottage communities and cottage activities such as boating, swimming, fishing, golfing, water sports and indoor games; information about buying, selling, renting and renovating cottage properties; and programs of special interest to the cottage owner dealing with such matters as shoreline, docks, decks, boathouses, water supply, wood stoves, cottage cooking and recipes, and the history of cottaging.
3. The programming shall be drawn exclusively from the following program categories set out in Item 6 of Schedule I to the *Specialty Services Regulations, 1990*, as amended from time to time:
 - 1 News
 - 2 (a) Analysis and interpretation
(b) Long-form documentary
 - 3 Reporting and actualities

- 4 Religion
 - 5 (a) Formal education and pre-school
(b) Informal education/Recreation and leisure
 - 6 (a) Professional sports
(b) Amateur sports
 - 7 Drama and comedy
 - (a) Ongoing dramatic series
 - (b) Ongoing comedy series (sitcoms)
 - (c) Specials, mini-series or made-for-TV feature films
 - (d) Theatrical feature films aired on TV
 - (e) Animated television programs and films
 - (f) Programs of comedy sketches, improvisation, unscripted works, stand-up comedy
 - (g) Other drama
 - 8 (a) Music and dance other than music video programs or clips
(b) Music video clips
(c) Music video programs
 - 9 Variety
 - 10 Game shows
 - 11 (a) General entertainment and human interest
(b) Reality television
 - 12 Interstitials
 - 13 Public service announcements
 - 14 Infomercials, promotional and corporate videos
4. The licensee shall devote no more than 10% of the programming broadcast during each broadcast month to programming drawn from each of program categories 2(b), 6(a), 7(d) and 7(e), and from program categories 8(b) and 8(c) combined.
 5. The service approved hereby is designated as a Category B service.

For the purposes of the conditions of this licence, “broadcast day” means the period of up to 18 consecutive hours, beginning each day not earlier than six o’clock in the morning and ending no later than one o’clock in the morning of the following day, as selected by the licensee, or any other period approved by the Commission.