



## Broadcasting Decision CRTC 2013-519

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Route reference: 2013-318

Ottawa, 27 September 2013

**WhiStle Community Radio**  
Whitchurch-Stouffville, Ontario

*Application 2013-0027-7, received 10 January 2013*

### **CIWS-FM Whitchurch-Stouffville – Licence renewal**

*The Commission **renews** the broadcasting licence for the community radio station CIWS-FM Whitchurch-Stouffville from 1 January 2014 to 31 August 2019.*

#### **Introduction**

1. WhiStle Community Radio (WCR) filed an application to renew the broadcasting licence for the community radio station CIWS-FM Whitchurch-Stouffville, Ontario, which expires 31 December 2013.<sup>1</sup> The Commission received an intervention in support of this application.

#### **Non-compliance**

2. In Broadcasting Notice of Consultation 2013-318, the Commission noted that the licensee was in apparent non-compliance with section 9(2) of the *Radio Regulations, 1986* (the Regulations), which relates to the timely filing of complete annual returns, for the 2007-2008 through 2010-2011 broadcast years. Specifically, the annual returns for 2007-2008 and 2009-2010 were filed late (on 1 January 2013 and 30 March 2011, respectively), and the licensee did not submit financial statements with the 2008-2009 and 2010-2011 annual returns.
3. The licensee explained that the missing annual returns were for a period preceding current management. Until January 2010, the station was operated without a financial director, and record keeping was limited. The licensee stated that since then it has maintained proper records that are independently reviewed by an accounting firm each year.
4. In regard to the missing financial statements, the Commission notes that those statements have now been filed.

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<sup>1</sup> The original licence expiry date for CIWS-FM was 31 August 2013. This broadcasting licence was administratively renewed until 31 December 2013 as a result of Broadcasting Decision 2013-418.

5. Section 9(2) of the Regulations requires licensees to file annual returns by 30 November of each year for the broadcast year ending the previous 31 August. The specific filing requirements, including the requirement to submit financial statements, are set out in Broadcasting Information Bulletin 2011-795.
6. In light of the above, the Commission finds the licensee in non-compliance with section 9(2) of the Regulations for the 2007-2008 through 2010-2011 broadcast years.

### **Regulatory measures**

7. In Broadcasting Information Bulletin 2011-347, the Commission announced a revised approach to non-compliance by radio stations. Specifically, the Commission indicated that each instance of non-compliance would be evaluated in its context and in light of factors such as the quantity, recurrence and seriousness of the non-compliance. The Commission also indicated that it would consider the circumstances of the non-compliance, the arguments provided by the licensee and the measures taken to rectify the situation.
8. As set out in Broadcasting Information Bulletin 2011-795, it is the licensee's responsibility to ensure that all appropriate forms and documentation are included with the annual returns filed with the Commission. If further clarification is required, it is the licensee's responsibility to contact the Commission for further direction.
9. The Commission has reviewed the record for this application and is of the view that the measures that the licensee has put in place are sufficient to ensure future compliance. However, given the circumstances surrounding WCR's non-compliance, the Commission considers it appropriate to grant a short-term licence renewal to CIWS-FM.

### **Conclusion**

10. In light of all of the above, the Commission **renews** the broadcasting licence for the community radio programming undertaking CIWS-FM Whitchurch-Stouffville, Ontario, from 1 January 2014 to 31 August 2019. The terms and **conditions of licence** are set out in the appendix to this decision.

Secretary General

### **Related documents**

- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2013-418, 19 August 2013
- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2013-318, 2 July 2013
- *Filing annual returns for radio programming undertakings*, Broadcasting Information Bulletin CRTC 2011-795, 20 December 2011

- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011

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

## **Appendix to Broadcasting Decision CRTC 2013-519**

### **Term and conditions of licence for the community radio programming undertaking CIWS-FM Whitchurch-Stouffville, Ontario**

#### **Term**

The licence will expire 31 August 2019.

#### **Conditions of licence**

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 amended from time to time.
2. Where the licensee broadcasts religious programming as defined in *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993, the licensee shall adhere to the guidelines set out in sections III.B.2.a) and IV of that public notice with respect to the provision of balance and ethics in religious programming, as amended from time to time.