



## Broadcasting Decision CRTC 2013-701

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Route reference: 2013-318

Ottawa, 16 December 2013

### **Radio communautaire de Windsor et région inc.**

Windsor, Quebec

*Application 2013-0230-7, received 26 January 2013*

### **CIAX-FM Windsor – Licence renewal**

*The Commission **renews** the broadcasting licence for the community radio station CIAX-FM Windsor, Quebec, from 1 January 2014 to 31 August 2020.*

#### **Introduction**

1. Radio communautaire de Windsor et région inc. (RCWR) filed an application to renew the broadcasting licence for the community radio station CIAX-FM Windsor, Quebec, which expires 31 December 2013.<sup>1</sup> The Commission did not receive any interventions regarding this application.

#### **Non-compliance**

2. In 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) relating to the filing of annual returns for the 2010-2011 and 2011-2012 broadcast years. Specifically, the licensee had not submitted the returns for those broadcast years by the 30 November deadline.
3. Section 9(2) of the Regulations requires licensees to file complete 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 Notice 2011-795.
4. The licensee explained that the circumstances of the apparent non-compliances were essentially related to the complexity of reconciling data from financial reports produced annually by CIAX-FM with financial elements required for the annual returns to be submitted to the Commission. It added that since the undertaking's fiscal year did not match that of the Commission, it must compile the data manually. Further, the licensee emphasized that the budgetary items included in the current

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<sup>1</sup>The original expiry date for CIAX-FM's broadcasting licence was 31 August 2013. The licence was administratively renewed until 31 December 2013 in Broadcasting Decision 2013-418.

financial statements did not entirely correspond with those included in the annual returns required by the Commission.

5. Until now, to avoid additional professional fees, annual returns were produced by the company's management, not by the accountant in charge of producing financial statements. To ensure the future compliance of the station, annual returns will henceforth be produced by the company's external accountant. In addition, the budgetary items will be harmonized with those included in the annual returns to be filed with the Commission.
6. The Commission notes that the missing returns were filed in April 2013.
7. In light of the above, the Commission finds the licensee in non-compliance with section 9(2) of the Regulations relating to the filing of annual returns for the 2010-2011 and 2011-2012 broadcast years.

### **Regulatory measures**

8. 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 leading to the instances of non-compliance in question, the arguments provided by the licensee and the measures taken to rectify the situation.
9. The Commission notes that compliance with deadlines for the submission of annual returns is important because it enables the Commission to monitor a licensee's performance and compliance with its regulations and obligations. Accordingly, it considers the late or incomplete filing of annual returns a serious matter.
10. The Commission reviewed the file for this application and notes the licensee's explanations regarding its non-compliance. Given the circumstances surrounding RCWR's non-compliance, the Commission considers it appropriate to renew the licence for CIAX-FM for a full term.

### **Conclusion**

11. In light of all of the above, the Commission **renews** the broadcasting licence for the community radio programming undertaking CIAX-FM Windsor, Quebec, from 1 January 2014 to 31 August 2020. The terms and **conditions of licence** are set out in the appendix to this decision.

### **Reminder**

12. Pursuant to section 22 of the *Broadcasting Act*, the Commission reminds the licensee that the broadcasting licence will cease to have any force or effect if the broadcasting certificate issued by the Department of Industry lapses.

Secretary General

**Related documents**

- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2013-418, 19 August 2012
- *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 2013-701**

### **Terms, conditions of licence, expectation and encouragement for the community radio programming undertaking CIAX-FM Windsor, Quebec**

#### **Terms**

The licence will expire 31 August 2020.

#### **Conditions of licence**

1. The licensee is subject 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.

#### **Expectation**

As set out in *Campus and community radio policy*, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010, the Commission expects all community and campus licensees to file yearly updates on the composition of their boards of directors. These annual updates can be submitted at the time of submission of annual returns, following annual board of directors' elections or at any other time. As noted in Appendix 3 to that policy, licensees may submit this information via the Commission's website.

#### **Encouragement**

The Commission considers that community radio stations should be particularly sensitive to employment equity issues in order to reflect fully the communities they serve. It encourages licensees to consider these issues in its hiring practices and in all other aspects of their management of human resources.