



Broadcasting Decision CRTC 2013-706

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Route reference: 2013-325

Ottawa, 17 December 2013

Sound of Faith Broadcasting Kitchener, Ontario

Application 2013-0007-9, received 7 January 2013

CJTW-FM Kitchener – Licence renewal

*The Commission **renews** the broadcasting licence for the specialty (Christian music) radio station CJTW-FM Kitchener, Ontario, from 1 January 2014 to 31 August 2018. This short-term licence renewal will allow for an earlier review of the licensee's compliance with its conditions of licence and with the Radio Regulations, 1986.*

Introduction

1. Sound of Faith Broadcasting (Sound of Faith) filed an application to renew the broadcasting licence for the specialty (Christian music) radio station CJTW-FM Kitchener, Ontario, which expires 31 December 2013.¹ The Commission did not receive any interventions in connection with this application.

Non-compliance

2. In Broadcasting Notice of Consultation 2013-325, the Commission stated that the licensee was in apparent non-compliance with section 9(2) of the *Radio Regulations, 1986* (the Regulations), which relates to the filing of complete annual returns, for the 2009-2010 broadcast year.
3. The Commission notes that in Broadcasting Decision 2010-441, it renewed the broadcasting licence for CJTW-FM for a short-term period of four years, due to the station's non-compliance with section 9(2) the Regulations for the 2005-2006 through 2007-2008 broadcast years as well as its non-compliance with its condition of licence relating to contributions to Canadian talent development for the 2003-2004, 2004-2005 and 2006-2007 broadcast years.

¹ The original licence expiry date for CJTW-FM was 31 August 2013. The broadcasting licence was administratively renewed until 31 December 2013 in Broadcasting Decision 2013-418.

4. As stated in section 9(2) of the Regulations, licensees are required to file an annual return by 30 November of each year for the broadcast year ending the previous 31 August. The filing requirements, including the requirement to submit financial statements with the annual returns, are set out in Broadcasting Information Bulletin 2011-795. The Commission notes that the licensee's annual return for the 2009-2010 broadcast year was filed on time but was incomplete, missing the required financial statements, which were submitted more than two years after the 30 November deadline. Sound of Faith stated that its bookkeeper was not aware that the financial statements were to be filed with the annual return. It further stated that it has hired two part-time staffers to assist its bookkeeper and that its accounting department has been made aware of all filing requirements.
5. The Commission further notes that the licensee did submit the missing information when it was requested to do so by Commission staff, and that all other annual returns filed by the licensee for this station have been complete and on time. Nevertheless, the Commission finds the licensee in non-compliance with section 9(2) of the Regulations.

Regulatory measures

6. 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.
7. The Commission considers that compliance with the deadlines for the filing of complete annual returns is important because it enables the Commission to monitor a licensee's performance and compliance with regulations and requirements. Accordingly, it considers annual returns that are incomplete and/or filed late to be a serious matter.
8. The Commission is confident that the necessary measures have been put in place to ensure future compliance with the requirement to file complete annual returns. However, given the circumstances surrounding Sound of Faith's non-compliance, the Commission considers that a short-term licence renewal for CJTW-FM is appropriate.

Conclusion

9. In light of the above, the Commission **renews** the broadcasting licence for the specialty (Christian music) radio programming undertaking CJTW-FM Kitchener, Ontario, from 1 January 2014 to 31 August 2018. This short-term licence renewal will allow for an earlier review of the licensee's compliance with its conditions of licence and with the Regulations. The terms and **conditions of licence** are set out in the appendix to this decision.

Reminder

10. 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 2013
- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2013-325, 5 July 2013
- *Filing annual returns for radio programming undertakings*, Broadcasting Decision CRTC 2011-795, 20 December 2011
- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011
- *CJTW-FM Kitchener – Licence renewal*, Broadcasting Decision CRTC 2010-441, 30 June 2010

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

Appendix to Broadcasting Decision CRTC 2013-706

Terms, conditions of licence and encouragement for the specialty (Christian music) radio programming undertaking CJTW-FM Kitchener, Ontario

Terms

The licence will expire 31 August 2018.

Conditions of licence

1. The licensee shall adhere to the conditions set out in *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009, as amended from time to time, with the exception of condition of licence 7.
2. The station shall be operated within the specialty format as defined in *A Review of Certain Matters Concerning Radio*, Public Notice CRTC 1995-60, 21 April 1995, as amended from time to time, and *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2010-819, 5 November 2010, as amended from time to time.
3. During each broadcast week, the licensee shall ensure that at least 95% of all musical selections broadcast are drawn from content subcategory 35 (Non-classic religious), as defined in *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2010-819, 5 November 2010, as amended from time to time.
4. The licensee shall ensure that not less than 15% of all content category 3 (Special Interest Music) musical selections broadcast each broadcast week are Canadian selections.
5. 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.

For the purposes of these conditions of licence, “broadcast week,” “Canadian selection,” “content category” and “musical selection” shall have the same meanings as those set out in the *Radio Regulations, 1986*.

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 issues in its hiring practices and in all other aspects of its management of human resources.