



## Broadcasting Decision CRTC 2014-304

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Route reference: 2014-47

Ottawa, 9 June 2014

**Fairchild Radio Group Ltd.**  
Richmond, British Columbia

*Application 2013-1537-5, received 7 November 2013*

### **CJVB Richmond – Licence renewal**

*The Commission **renews** the broadcasting licence for the ethnic AM radio station CJVB Richmond from 1 September 2014 to 31 August 2021.*

#### **Application**

1. Fairchild Radio Group Ltd. (Fairchild) filed an application to renew the broadcasting licence for the ethnic AM radio station CJVB Richmond, British Columbia, which expires 31 August 2014. The Commission did not receive any regarding the licensee proposed to operate the station under the same terms and conditions as those in effect under the current licence.

#### **Non-compliance**

2. In Broadcasting Notice of Consultation 2014-47, the Commission indicated that Fairchild was in apparent non-compliance with its requirements relating to contributions to Canadian content development (CCD). Specifically, for the 2012–2013 broadcast year, CJVB did not allocate all of its basic CCD contributions as required under section 15(2) of the *Radio Regulations, 1986* (the Regulations).
3. The licensee explained that in 2013, it was in charge of organizing and funding the annual Global Chinese Golden Chart (GCGC), which included a concert in May 2013. Fairchild therefore allocated the greater part of its CCD contribution to that event, rather than to its usual event, the Canadian Chinese Song-Writers Quest (SWQ), a project recognized as eligible by the Commission.
4. Fairchild added that it now realizes that the GCGC is not an eligible project because of its international nature, which it regrets not having taken into account.

5. Fairchild noted that this is the first time the station is in non-compliance. To prevent the situation from recurring, the station's staff has been informed that the GCGC project is ineligible. In addition, the licensee stated that it will resume making payments to the SWQ project as of May 2014. At that time, it will increase CCD contributions to rectify the shortfall incurred in 2012-2013. Fairchild also committed to filing proof of the required payment with the Commission by 30 June 2014.
6. The Commission notes that the payment shortfall represents close to 90% of the licensee's total CCD contributions for the 2012-2013 broadcast year.
7. However, the non-compliance is due to a misinterpretation regarding the GCGC project, and appears to be an isolated incident, as no other instances of non-compliance have been noted. In addition, the licensee is committed to paying the shortfall in May 2014 and providing the Commission with proof of payment to that effect shortly thereafter.
8. Therefore, the Commission finds Fairchild in non-compliance with section 15(2) of the Regulations with respect to CCD contributions for the 2012-2013 broadcast year.

### **Regulatory measures**

9. 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.
10. Because this is the first instance of non-compliance by the licensee, and given that the station will resume making its contributions to an eligible CCD project, the Commission considers that the licensee will comply with its requirements relating to CCD contributions in the future.
11. In accordance with its revised practice regarding non-compliance by radio stations set out in Broadcasting Information Bulletin 2011-347, the Commission finds it appropriate to renew CJVB's licence for a full term.

### **Conclusion**

12. In light of all of the above, the Commission **renews** the broadcasting licence for the ethnic AM radio programming undertaking CJVB Richmond from 1 September 2014 to 31 August 2021. The licensee shall adhere to the **conditions of licence** set out in Broadcasting Regulatory Policy 2009-62, as amended from time to time, and continue to adhere to the following condition of licence, as set out in Broadcasting Decision 2007-296:

During each broadcast week, the licensee shall provide programming directed to a minimum of 23 cultural groups in a minimum of 23 different languages.

### **Reminder**

13. Pursuant to section 22 of the *Broadcasting Act*, the broadcasting licence renewed in this decision will cease to have any force or effect if the broadcasting certificates issued by the Department of Industry lapse.
14. The Commission expects the licensee to provide, by **30 June 2014**, proof of payment for the shortfall amount of the CCD contribution that should have been allocated in the 2012-2013 broadcast year.

### **Employment equity**

15. In accordance with Public Notice 1992-59, 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.

Secretary General

### **Related documents**

- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2014-47, 7 February 2014
- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011
- *CJVB Richmond – Licence renewal*, Broadcasting Decision CRTC 2007-296, 13 August 2007
- *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992

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