



Broadcasting Decision CRTC 2015-267

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Reference: 2015-93

Ottawa, 19 June 2015

Aylesford Community Baptist Church
Aylesford, Nova Scotia

Application 2014-0949-1, received 18 September 2014

VF8023 Aylesford – Licence renewal

*The Commission **renews** the broadcasting licence for the low-power English-language religious FM radio station VF8023 from 1 September 2015 to 31 August 2020. This renewal for a shortened term will permit the Commission to review at an earlier date the licensee's compliance with section 9(2) of the Radio Regulations, 1986 concerning the submission of annual returns.*

Application

1. Aylesford Community Baptist Church (Aylesford Church) filed an application to renew the broadcasting licence for the low-power religious FM radio station VF8023 Aylesford, which expires 31 August 2015.¹ The Commission did not receive any interventions in connection with this application.

Non-compliance

2. Section 9(2) of the *Radio Regulations, 1986* (the Regulations) requires licensees to file an annual return 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.

¹ In Broadcasting Decision 2013-654, the Commission approved an application to:

- amend VF8023's broadcasting licence to change the frequency from 101.1 MHz (channel 266LP) to 98.7 MHz (channel 254B), and the station's class from unprotected low-power to protected Class B;
- modify the station's authorized contours by increasing the average effective radiated power (ERP) from 50 to 9,600 watts (maximum ERP from 50 to 25,000 watts); and
- increase the effective height of antenna above average terrain from -4.3 to 201.4 metres.

The licensee has not yet implemented those technical changes.

3. In Broadcasting Public Notice 2015-93, the Commission stated that Aylesford Church was in apparent non-compliance with section 9(2) of the Regulations relating to the filing of complete annual returns. Specifically, the licensee did not file financial statements with the annual return for the 2011-2012 broadcast year by the 30 November deadline.
4. The licensee stated that 2011-2012 was the first time that it had attempted to file the financial statements online and had been unaware that the Commission had not received them. Aylesford Church stated that, in the future, it would contact the Commission immediately after filing its annual return to ensure that the Commission has received the information. The Commission has now received the financial statements.
5. In light of the above, the Commission finds Aylesford Church in non-compliance with section 9(2) of the Regulations for the 2011-2012 broadcast year.

Regulatory measures

6. The Commission's approach to non-compliance by radio stations is set out in Broadcasting Information Bulletin 2014-608. Under that approach, each instance of non-compliance is evaluated in its context and in light of factors such as the quantity, recurrence and seriousness of the non-compliance. The circumstances, the arguments provided by the licensee and the actions taken to rectify the situation are also to be considered.
7. Compliance with 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. Accordingly, the Commission considers the late or incomplete filing of annual returns to be a serious matter.
8. The Commission has examined the record for this application and is satisfied with the licensee's explanations and with the measures it has put in place to address the non-compliance. This is, however, the second consecutive licence term in which the Commission has found the licensee in non-compliance with the requirements relating to the submission of annual returns. Given the circumstances surrounding the licensee's non-compliance, the Commission finds it appropriate to grant VF8023 a five-year rather than a full seven-year licence term.

Conclusion

9. In light of all of the above, the Commission **renews** the broadcasting licence for the low-power English-language religious FM radio programming undertaking VF8023 Aylesford, Nova Scotia, from 1 September 2015 to 31 August 2020. The licensee shall adhere to the **conditions** set out in its broadcasting licence as well as the terms and **conditions of licence** set out in the appendix to this decision.

Reminders

10. Licensees are responsible for submitting complete annual returns on time. In addition, 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 their annual returns and to contact the Commission if further clarification is required.
11. 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 certificate issued by the Department of Industry lapses.

Secretary General

Related documents

- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2015-93, 17 March 2015
- *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 2014
- *VF8023 Aylesford – Licence amendment and technical changes*, Broadcasting Decision CRTC 2013-654, 4 December 2013
- *Filing annual returns for radio programming undertakings*, Broadcasting Information Bulletin CRTC 2011-795, 20 December 2011

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

Appendix to Broadcasting Decision CRTC 2015-267

Conditions of licence and encouragement for the religious radio programming undertaking VF8023 Aylesford, Nova Scotia

Conditions of licence

1. The licensee shall broadcast programming consisting of religious services, programs or program segments it produces for the purpose of ensuring balance on matters of public concern, local emergency announcements from local authorities and music drawn from subcategory 35 (non-classic religious). Such programs or program segments must adhere to guidelines (i) to (iv) contained in section III.B.2a) of *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993 (Public Notice 1993-78).
2. The licensee shall adhere to the guidelines on ethics for religious programming set out in section IV of Public Notice 1993-78, regarding tolerance, integrity, social responsibility and solicitation of funds.
3. The licensee shall not solicit or broadcast commercial messages.

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.