



Broadcasting Decision CRTC 2019-222

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Reference: Part 1 licence renewal application posted on 28 February 2019

Ottawa, 25 June 2019

Radio communautaire francophone de Montréal inc.
Montréal, Quebec

Public record for this application: 2016-0905-9

CIBL-FM Montréal – Licence renewal

*The Commission **renews** the broadcasting licence for the French-language community radio station CIBL-FM Montréal from 1 September 2019 to 31 August 2022. This short-term renewal will allow for an earlier review of the licensee's compliance with regulatory requirements.*

Application

1. Radio communautaire francophone de Montréal inc. filed an application to renew the broadcasting licence for the French-language community radio station CIBL-FM Montréal, which expire 31 August 2019.¹ The Commission did not receive any interventions regarding this application.

Background

2. In Broadcasting Decision 2012-704, the Commission renewed the broadcasting licence for CIBL-FM Montréal for a five-year term due to the licensee's non-compliance with respect to the filing of annual returns.

Non-compliance

Filing of annual returns

3. Section 9(2) of the *Radio Regulations, 1986* (the Regulations) requires licensees to file an annual return, including financial statements, by 30 November of each year for the broadcast year ending the previous 31 August. The specific filing requirements are set out in Broadcasting Information Bulletin 2011-795.
4. According to Commission records, the financial statements for the 2015-2016 broadcast year were filed on 1 February 2019, more than three years late.

¹ The broadcasting licence for CIBL-FM was administratively renewed from 1 September 2017 to 31 August 2018 in Broadcasting Decision 2017-311 and from 1 September 2018 to 31 August 2019 in Broadcasting Decision 2018-305.

5. The licensee explained that there had been many changes to the administration of the station over the preceding years, including within the general management, which had significantly impacted the station's operations. Moreover, according to the licensee, CIBL-FM experienced major financial difficulties in recent years and had to let go all its employees in early 2018. These changes presented several challenges and required significant adaptation. Under these circumstances, the licensee stated that it was possible that deficiencies occurred. It indicated that in the future it would ensure that corrective measures are put in place as soon as deficiencies arise.
6. In light of the above, the Commission finds the licensee in non-compliance with section 9(2) of the Regulations for the 2015-2016 broadcast year.

Radio monitoring material

7. Section 9(3)(a) of the Regulations specifies that a licensee shall submit the information required by the station self-assessment report when requested by the Commission.
8. With respect to CIBL-FM, the Commission noted discrepancies between the music list and the self-assessment report provided for the broadcast week of 9-15 September 2018. Specifically, the number of Canadian musical selections in the self-assessment report did not correspond to that found in the music list, amounting to a difference of 15%. In addition, there was a disparity of 4% between the total number of musical selections in the self-assessment report and music list.
9. The licensee acknowledged the above-mentioned discrepancies and submitted that they were probably due to a human counting error. To ensure its compliance during the next licence term, it indicated that it would review its counting methods.
10. In light of the above, the Commission finds the licensee in non-compliance with section 9(3)(a) of the Regulations.

Local spoken word and musical selections

11. In Broadcasting Regulatory Policy 2012-304, the Commission set out the standard conditions of licence to which community radio stations must adhere. Condition of licence 6 specifies that the licensee shall devote at least 15% of its programming in each broadcast week to local spoken word programming. In addition, condition of licence 9 provides that the licensee shall devote at least 20% of its musical selections in each broadcast week to musical selections from content subcategories other than content subcategory 21 (Pop, Rock and Dance).
12. During the broadcast week of 9-15 September 2018, the level of spoken word programming broadcast was 14.7%, slightly below the minimum level. Moreover, the licensee devoted only 13% of its musical selections to selections not belonging to subcategory 21.

13. With respect to the apparent non-compliance with condition of licence 6, the licensee explained that it was recovering from a particularly difficult year. It added, however, that the board of directors and the programming committee were working closely to ensure compliance with regulatory requirements. Finally, it stated that it intended to hire staff over the next year, which would allow it to further expand its programming, including spoken word.
14. As regards the apparent non-compliance with condition of licence 9, the licensee noted that it had managed to gradually relaunch programming as of April 2018 and to broadcast almost fully at the end of June. The programming committee, comprised of volunteers, developed a schedule relevant to the community. To achieve the minimum level required by condition of licence, the programming committee added 125 selections from subcategories other than subcategory 21. The licensee indicated that the level would increase to 26% as a result of these changes.
15. In light of the above, the Commission finds the licensee in non-compliance with conditions of licence 6 and 9 set out in Broadcasting Regulatory Policy 2012-304.

Regulatory measures

16. 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 leading to the non-compliance, the arguments provided by the licensee and the action taken to rectify the situation are also considered.
17. The Commission notes that it conducted two compliance evaluations during the current licence term. During the first evaluation (from 16 to 22 July 2017), the licensee was in compliance with all regulatory requirements and conditions of licence. Further, during the current licence term, the licensee demonstrated good cooperation, in particular by informing the Commission of CIBL-FM's difficulties, their impact on the station's programming and the progress of the implementation of a recovery plan for CIBL-FM.
18. The Commission notes the licensee's efforts to rectify the station's precarious financial situation. During the current licence term, the licensee's instances of non-compliance, while numerous, occurred under particular circumstances. However, it is the second consecutive licence term during which the licensee is in non-compliance with requirements relating to the filing of annual returns. Accordingly, the Commission finds it appropriate to renew the licence for a short-term period of three years.

Conclusion

19. In light of all the above, the Commission **renews** the broadcasting licence for the French-language community radio programming undertaking CIBL-FM Montréal

from 1 September 2019 to 31 August 2022. This short-term renewal will allow for an earlier review of the licensee's compliance with regulatory requirements. The **conditions of licence** are set out in the appendix to this decision.

Reminders

20. The licensee is responsible for filing complete annual returns on time, including the financial statements. 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 its annual returns and to contact the Commission if further clarification is required.
21. Should the licensee continue to be in non-compliance with regulatory requirements, the Commission may consider recourse to additional measures as part of the next licence renewal process, including the issuance of a mandatory order.
22. 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

- *Administrative renewals*, Broadcasting Decision CRTC 2018-305, 22 August 2018
- *CIBL-FM Montréal – Administrative renewal*, Broadcasting Decision CRTC 2017-311, 28 August 2017
- *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 2014
- *Various campus and community radio programming undertakings – Licence renewals*, Broadcasting Decision CRTC 2012-704, 21 December 2012
- *Standard conditions of licence for campus and community radio stations*, Broadcasting Regulatory Policy CRTC 2012-304, 22 May 2012
- *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 2019-222

Terms, conditions of licence, expectation and encouragement for the French-language community radio programming undertaking CIBL-FM Montréal, Quebec

Terms

The licence will expire 31 August 2022.

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 well as to the conditions set out in the broadcasting licence for the undertaking.

Expectation

The Commission expects all community and campus radio station licensees to file yearly updates on the composition of their board 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. Licensees may submit such information through 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 the licensee to consider these issues in its hiring practices and in all other aspects of its management of human resources.