



Broadcasting Decision CRTC 2019-244

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

Ottawa, 9 July 2019

Radio communautaire du Saguenay inc.
Jonquière and La Baie, Quebec

Public record for this application: 2018-0848-7

CKAJ-FM Jonquière and its transmitter CKAJ-FM-1 La Baie – Licence renewal

*The Commission **renews** the broadcasting licence for the French-language community radio station CKAJ-FM Jonquière and its transmitter CKAJ-FM-1 La Baie from 1 September 2019 to 31 August 2023. This short-term licence renewal will allow for an earlier review of the licensee's compliance with regulatory requirements.*

Application

1. Radio communautaire du Saguenay inc. filed an application to renew the broadcasting licence for the French-language community radio station CKAJ-FM Jonquière, Quebec, and its transmitter CKAJ-FM-1 La Baie. The Commission did not receive any interventions regarding this application.

Background

2. At CKAJ-FM's last licence renewal, in Broadcasting Decision 2013-454, the Commission renewed the station's broadcasting licence for a short-term period due to the licensee's non-compliance with section 9(2) of the *Radio Regulations, 1986* (the Regulations) relating to the filing of annual returns.

Non-compliance

3. Section 9(2) of the Regulations requires that on or before 30 November of each year, radio station licensees file an annual return for the year ending the previous 31 August. Specific filing requirements are set out in Broadcasting Information Bulletin 2011-795.
4. The Commission notes that the station's financial statements for the 2014-2015 broadcasting year were filed on 30 November 2016, one year late. The licensee is therefore in apparent non-compliance with section 9(2) of the Regulations for a second consecutive licence term.

5. The licensee indicated that a new board of directors was elected in 2017 and that the new board has put a recovery plan into place. It added that the situation has been rectified since the late filing of the annual return for the 2014-2015 broadcast year and that the station has been fully compliant since. The licensee therefore considers that the new licence term should not be shortened, and that it should not be required to broadcast an announcement attesting to the station's non-compliance.
6. In light of the above, the Commission finds the licensee in non-compliance with section 9(2) of the Regulations.

Regulatory measures

7. 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 actions taken to rectify the situation are also considered.
8. In that information bulletin, the Commission also noted that depending on the nature of the non-compliance and on a case-by-case basis, it may apply measures including a short-term renewal, the imposition of conditions of licence or mandatory orders, or the non-renewal, suspension or revocation of the licence.
9. This is the second consecutive licence term in which the licensee has been in non-compliance with regulatory requirements relating to the filing of annual returns. However, the non-compliance occurred in only one of the six years of the current licence term. In addition, the licensee indicated that it has put measures in place to prevent repeating the non-compliance, including a recovery plan and an auditing system. Moreover, a new board of directors has been elected.
10. Consequently, the Commission finds it appropriate to renew the broadcasting licence for CKAJ-FM for a short-term period.

Conclusion

11. In light of the above, the Commission **renews** the broadcasting licence for the French-language community radio programming undertaking CKAJ-FM Jonquière, Quebec, and its transmitter CKAJ-FM-1 La Baie from 1 September 2019 to 31 August 2023. This short-term licence renewal will allow for an earlier review of the licensee's compliance with regulatory requirements. The licensee shall adhere to the **conditions** set out in Broadcasting Regulatory Policy 2012-304, as well as to the **conditions** set out in the broadcasting licence for the undertaking.

Reminders

12. Pursuant to section 22 of the *Broadcasting Act* (the 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.
13. The licensee must comply at all times with the requirements set out in the Act, the Regulations and its conditions of licence.
14. Licensees are responsible for filing complete annual returns on time. As set out in Broadcasting Information Bulletin 2011-795, it is the licensee's responsibility to ensure that all appropriate forms and documents are filed with its annual returns, and to contact the Commission if further clarification is required.
15. 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 or the broadcast of an announcement attesting to the station's non-compliance.

Secretary General

Related documents

- *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 2014
- *Campus and community radio programming undertakings – Licence renewals*, Broadcasting Decision CRTC 2013-454, 29 August 2013
- *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.