



Broadcasting Decision CRTC 2023-297 and Broadcasting Order CRTC 2023-298

PDF version

References: 2023-6, 2023-6-1, 2023-6-2 and 2023-6-3

Ottawa, 29 August 2023

CPAM Radio Union.com inc.
Montréal, Quebec

Public record: 2022-0637-5 and 2022-0667-2
Public hearing in the National Capital Region
3 May 2023

CJWI Montréal – Licence renewal and amendment to conditions of service

Summary

The Commission **renews** the broadcasting licence for the French-language commercial ethnic AM radio station CJWI Montréal, Quebec, from 1 September 2023 to 31 August 2026. This short-term renewal will allow for an earlier review of the licensee's compliance with its regulatory requirements.

In addition, the Commission **approves** the licensee's request to amend the conditions of service relating to the percentage of musical selections from content category 2 (Popular Music) and content subcategory 33 (World beat and international) that the station must broadcast.

Finally, the Commission issues a mandatory order requiring CPAM Radio Union.com inc. to comply at all times with paragraph 9(3)(b) of the *Radio Regulations, 1986*.

Applications

1. The Commission has the authority, pursuant to subsections 9(1) and 9.1(1) of the *Broadcasting Act*, to issue and renew licences and to make orders imposing conditions on the carrying on of a broadcasting undertaking that it considers appropriate for the implementation of the broadcasting policy set out in subsection 3(1) of the *Broadcasting Act*.
2. On 10 June 2022, the Commission issued Broadcasting Notice of Consultation 2022-152,¹ which listed radio stations for which the broadcasting licences would

¹ As corrected in Broadcasting Notice of Consultation 2022-152-1.

expire 31 August 2023 and therefore needed to be renewed to continue their operations. In that notice of consultation, the Commission requested that the licensees of those stations submit renewal applications for their broadcasting licences.

3. In response, CPAM Radio Union.com inc. (CPAM Radio) filed an application (2022-0637-5) to renew the broadcasting licence for the French-language commercial ethnic AM radio station CJWI Montréal, Quebec, which expires 31 August 2023.²
4. CPAM filed a second application (2022-0667-2) to amend the broadcasting licence for CJWI. Specifically, the licensee proposed to amend the conditions of licence relating to the percentage of musical selections from content category 2 (Popular Music) and content subcategory 33 (World beat and international) that the station must broadcast.
5. Pursuant to subsection 49(1) of the *Online Streaming Act*, which made a certain number of amendments to the *Broadcasting Act* when it came into force on 27 April 2023, the conditions of licence that existed prior to the date of royal assent of that Act are deemed to be conditions imposed under an order made pursuant to section 9.1 of the new *Broadcasting Act*. As such, the conditions of licence for this licensee became conditions of service and continue to apply to the licensee. As a result, the Commission treats the request to modify the conditions of licence as a request to modify the conditions of service.

Interventions

6. The Commission received an intervention in support of this licence renewal application from an individual, as well as a joint supporting intervention containing 437 signatures from members of the community.
7. The Commission also received an intervention in opposition from an individual. The intervener pointed out that the Commission has already denied an application to renew the licence for another radio station operated by the licensee because of repeated non-compliance. The intervener considered that the licensee will continue to ignore the rules if the Commission renews the licence for CJWI. In its reply, the licensee reiterated its intention to comply with the Commission's requirements and indicated that it has made every effort to do so.

Background

8. In Broadcasting Decision 2008-335, the Commission renewed the licence for CJWI from 1 January 2009³ to 31 August 2015. In that same decision, the Commission

² The original licence expiry date for the station was 31 August 2022. The licence was administratively renewed until 31 August 2023 as a result of Broadcasting Decision 2021-298.

³ In Broadcasting Decision 2008-245, the Commission administratively renewed the broadcasting licence for CJWI from 1 September 2008 to 31 December 2008.

found the licensee in non-compliance with subsection 9(2) of the *Radio Regulations, 1986* (the Regulations) relating to the filing of annual returns.

9. In Broadcasting Decision 2015-409, the Commission renewed the licence for CJWI for a short term, from 1 September 2015 to 31 August 2017. In that same decision, the Commission found the licensee in non-compliance with the following:

- subsection 9(2) of the Regulations relating to the filing of complete annual returns; and
- subsection 15(2) of the Regulations relating to contributions to Canadian content development (CCD).

10. The Commission noted that it was the second consecutive licence term during which CJWI was in non-compliance. Further, having considered the seriousness and recurrence of the non-compliance, the Commission required the licensee to make a CCD contribution of \$2,500 over-and-above that required under the Regulations. The Commission also required the licensee to broadcast an on-air announcement regarding its non-compliance.

11. In Broadcasting Decision 2018-168, the Commission renewed the licence for CJWI for a short term, from 1 September 2018 to 31 August 2020.⁴ In that same decision, the Commission found the licensee in non-compliance with the following:

- subsection 9(2) of the Regulations relating to the filing of complete annual returns;
- subsection 9(4) of the Regulations relating to the requirement to respond to all requests for information relating to adherence to regulatory obligations;
- subsections 8(1), 8(2), 8(4) and 8(6) and paragraph 9(3)(b) of the Regulations relating to the keeping and filing of complete program logs, clear and intelligible audio recordings or any other exact copy of all matter broadcast, as well as adequate music lists;
- its condition of licence 5 relating to over-and-above CCD contributions and the filing of proof of payment to that effect; and
- its conditions of licence 6.a) and 6.b) relating to the broadcast of an announcement following non-compliance with certain regulatory requirements.

⁴ In Broadcasting Decision 2017-224, the Commission administratively renewed the broadcasting licence for CJWI until 31 August 2018.

12. In that same decision, the Commission once again required the licensee to broadcast an announcement regarding its non-compliance. The Commission also issued the following three broadcasting mandatory orders:

- Broadcasting Mandatory Order 2018-169 relating to subsections 8(1), 8(4) and 8(6) and paragraph 9(3)(b) of the Regulations;
- Broadcasting Mandatory Order 2018-170 relating to subsection 9(2) of the Regulations; and
- Broadcasting Mandatory Order 2018-171 relating to subsection 9(4) of the Regulations.

13. In Broadcasting Decision 2020-308, the Commission renewed the licence for CJWI for a short term, from 1 September 2020 to 31 August 2022.⁵ In that same decision, the Commission found the licensee in non-compliance with to the following:

- subsection 9(2) of the Regulations relating to the filing of complete annual returns;
- Broadcasting Mandatory Order 2018-170 relating to the requirement to comply at all times with subsection 9(2) of the Regulations;
- paragraph 9(3)(a) of the Regulations relating to the filing of a complete and accurate self-assessment report;
- paragraph 9(3)(b) of the Regulations relating to filing of a complete and accurate music list;
- Broadcasting Mandatory Order 2018-169 relating to the requirement to comply at all times with paragraph 9(3)(b) of the Regulations;
- condition of licence 4.a) requiring the licensee to devote a maximum of 30% of the musical selections that it broadcasts to selections from content category 2 (Popular Music);
- condition of licence 4.a)ii. requiring the licensee to devote a maximum of 15% of all content category 2 musical selections that it broadcasts to French-language vocal musical selections;
- condition of licence 4.b) requiring the licensee to devote at least 70% of the musical selections that it broadcasts to musical selections from content subcategory 33 (World beat and international); and

⁵ In Broadcasting Decision 2021-298, the Commission administratively renewed the licence for CJWI until 31 August 2023.

- condition of licence 4.b)i. requiring the licensee to devote at least 35% of all musical selections from content subcategory 33 that it broadcasts to Canadian selections.

14. In that same decision, the Commission once again required the licensee to broadcast an announcement regarding its non-compliance. The Commission also issued the following three broadcasting mandatory orders:

- Broadcasting Mandatory Order 2020-309 relating to subsection 9(2) of the Regulations;
- Broadcasting Mandatory Order 2020-310 relating to paragraphs 9(3)(a) and 9(3)(b) of the Regulations; and
- Broadcasting Mandatory Order 2020-311 relating to conditions of licence 4.a), 4.a)ii., 4.b) and 4.b)i.

Apparent non-compliance

15. In Broadcasting Notice of Consultation 2023-6, the Commission indicated that the licensee was in apparent non-compliance with the following:

- paragraph 9(3)(b) of the Regulations relating to the filing of a complete and accurate music list;
- Broadcasting Mandatory Order 2020-310 relating to the requirement to comply at all times with paragraph 9(3)(b) of the Regulations; and
- the following condition of licence set out in Appendix 1 to Broadcasting Decision 2020-308 and in Broadcasting Mandatory Order 2020-311:
 - condition of licence 4.b)i. requiring the licensee to devote at least 35% of the musical selections from subcategory 33 that it broadcasts to Canadian selections.

Radio monitoring materials

16. Paragraph 10(1)(i) of the old *Broadcasting Act*, which was in effect while the licensee's application was being considered, granted the Commission the authority, in furtherance of its objects, to make regulations requiring licensees to submit to the Commission such information regarding their programs and financial affairs or otherwise relating to the conduct and management of their affairs as the regulations may specify.

17. Pursuant to this authority, the Commission made paragraph 9(3)(b) of the Regulations, which sets out the requirements regarding the information on musical selections that licensees must include in their lists of musical selections for any period specified by the Commission.

18. Subsection 49(2) of the *Online Streaming Act*, which made a certain number of amendments to the *Broadcasting Act* when it came into force on 27 April 2023, stipulates that any regulation made pursuant to paragraph 10(1)(i) of the old *Broadcasting Act* is deemed to be an order made under section 9.1 of the new *Broadcasting Act*. Accordingly, paragraph 9(3)(b) of the Regulations is considered to be a condition of service pursuant to paragraph 9.1(1)(o) of the new *Broadcasting Act*, and licensees continue to be subject to this requirement.
19. As part of the licence renewal proceeding for CJWI, the Commission evaluated the station's programming for the broadcast week of 3 to 9 October 2021 and determined that the list of musical selections provided by the licensee contained 168 selections, whereas the Commission recorded 164. There was therefore a discrepancy of 4 selections (2.38%). In addition, the list did not always include all the information regarding the musical selections, such as the name of the artist or the title of the selection, and some selections were listed in the wrong time slot or in the wrong order.
20. The licensee stated that the station's automation system did not account for selections broadcast for less than 12 seconds. The system therefore does not account for the short musical selections broadcast before commercial breaks. The licensee also indicated that it has set up a music broadcast schedule to meet the Commission's requirements.
21. During the hearing, the licensee indicated that it had retained the services of an external technician who tested the system and recommended that the "allstop" function be deactivated during automated broadcasts. The licensee also hired a part-time technician helper.
22. In light of the above, the Commission finds CPAM Radio in non-compliance with paragraph 9(3)(b) of the Regulations. The Commission also finds the licensee in breach of Broadcasting Mandatory Order 2020-310, set out in Appendix 4 to Broadcasting Decision 2020-308, which requires the licensee to comply at all times with paragraph 9(3)(b) of the Regulations.

Specific programming requirements (condition of service 4(b)(i))

23. Pursuant to subsection 9(1) of the old *Broadcasting Act*, the Commission had the authority to impose conditions of licence (conditions of service) related to the circumstances of the licensee as it deemed appropriate for the implementation of the broadcasting policy set out in subsection 3(1) of that Act.
24. CPAM Radio is subject the following condition of licence:
 4. As an exception to sections 2.2(3) to 2.2(10) of the *Radio Regulations, 1986*, the licensee shall in each broadcast week:

b) devote at least 70% of the musical selections that it broadcasts to musical selections from content subcategory 33 (World beat and international);

i. the licensee shall devote at least 35% of all musical selections from subcategory 33 that it broadcasts to Canadian selections.

25. In its assessment of the station's programming for the broadcast week of 3 to 9 October 2021, the Commission determined that 34.25% of the broadcast musical selections from content subcategory 33 were Canadian selections.
26. The licensee explained this apparent non-compliance by specifying that the available content subcategory 33 music options are very limited. According to the licensee, it is therefore difficult to find artists who can be classed within content subcategory 33 and, at the same time, meet the Canadian content criteria.
27. The licensee stated that relief from condition 4.b)i. (which is the subject of the application to amend the conditions of service addressed below) would greatly assist it in maintaining the nature of CJWI's programming and in offering a greater diversity of content to its audience. Latin and African music recorded in Canada is not very abundant. Thus, to achieve the percentage set out in the condition of service, the same selections must be frequently repeated. The licensee stated that the apparent non-compliance was also due to problems with the automation system. Nevertheless, it considered that it has made great efforts to reach the target established in the condition of service.
28. In light of the above, the Commission finds the licensee in non-compliance with condition of service 4.b)i. set out in Appendix 1 to Broadcasting Decision 2020-308. The Commission also finds the licensee in breach of Broadcasting Mandatory Order 2020-311, set out in Appendix 5 to Broadcasting Decision 2020-308, which requires the licensee to comply at all times with condition of service 4.b)i. set out in Appendix 1 to Broadcasting Decision 2020-308.

Application to amend conditions of service

Conditions of service 4.a)i. and 4.a)ii.

29. The licensee filed an application with the Commission to delete conditions of service 4a)i. and 4.a)ii., which read as follows:
4. As an exception to sections 2.2(3) to 2.2(10) of the *Radio Regulations, 1986*, the licensee shall in each broadcast week:
- a) devote a maximum of 30% of the musical selections that it broadcasts to selections from content category 2 (Popular music);
- i. the licensee shall devote at least 35% of all category 2 musical selections that it broadcasts to Canadian selections;

ii. the licensee shall devote a maximum of 15% of all category 2 musical selections that it broadcasts to French-language vocal music selections and a maximum of 15% of all category 2 musical selections to English-language vocal musical selections.

30. The licensee stated that it wishes to be subject to the requirements set out in subsections 2.2(5) and 2.2(8) of the Regulations, that is:

(5) Except as otherwise provided under a condition of its licence, an A.M. licensee, F.M. licensee or digital radio licensee that is licensed to operate a campus station, commercial station or community station in the French language shall, in a broadcast week, devote at least 65% of its vocal musical selections from content category 2 to musical selections in the French language broadcast in their entirety.

(8) Except as otherwise provided under a condition of its licence that refers expressly to this subsection and subject to subsection (6), an A.M. licensee, F.M. licensee or digital radio licensee that is licensed to operate a commercial station, community station or campus station shall, in a broadcast week, devote at least 35% of its musical selections from content category 2 to Canadian selections broadcast in their entirety.

31. The licensee indicated that it operates in the Montréal market with a clear objective: to increasingly help new Quebecers to adapt to Quebec culture. With the current conditions of service, the licensee considers that it risks having to reach out to this group of people in a foreign language and with music that is not their own. According to the licensee, broadcasting in the French language, but with the music of the migrant, is more welcoming. The licensee specified that it wishes to maintain the condition of service requiring it to broadcast most of its programming in French.

Commission's analysis

32. Although CJWI is an ethnic radio station, the majority of its programming is in French. Specifically, the station is required, by condition of service, to devote at least 90% of its programming per broadcast week to French-language ethnic programs that target Haitian, Latin American and African communities with French as a first or second language. The remaining 10% of its programming may be in a third language, that is, a language other than French, English or an Indigenous language.

33. The Commission evaluates applications for amendments to conditions of service on a case-by-case basis. The Commission generally expects applicants to demonstrate the existence of a compelling need and to provide relevant evidence in support of the proposal. The Commission expects licensees who, as a result of a competitive licensing process, have a condition of service that sets out requirements different from those set out in the Regulations to maintain the original conditions of service for at least the first licence term. The Commission also expects licensees of radio stations to be in compliance with any conditions of service that they seek to amend or delete.

34. CPAM Radio is not in its first licence term, the licence for CJWI having been granted in 2001. Further, during the current licence term, the licensee has adhered to its conditions of service 4.a)i. and 4.a)ii. relating to English- and French-language content category 2 music. In this regard, it broadcast 68.90% Canadian musical selections from content category 2, whereas the requirement was a minimum of 35%. In addition, it broadcast 14.63% French-language vocal music and 14.46% English-language music, less than the maximum threshold of 15%.
35. The Commission considers that approval of the licensee's application to amend conditions of service 4.a)i. and 4.a)ii. would enable it to better serve the Haitian, African and Latin American communities that it was authorized to serve in Broadcasting Decision 2001-678. The Commission also considers that this change would have a positive impact on French-language world beat and international music artists, who would benefit from more airtime. In addition, the Commission is of the view that this amendment to the station's conditions of service would facilitate the licensee's compliance with regulatory requirements.
36. In light of the above, the Commission **approves** CPAM Radio's application to delete conditions of service 4.a)i. and 4.a)ii. so that the licensee will be subject to the requirements set out in subsections 2.2(5) and 2.2(8) of the Regulations.

Condition of service 4.b)i.

37. The licensee filed an application with the Commission to replace condition of service 4.b)i., which reads as follows:
4. As an exception to [subsections] 2.2(3) to 2.2(10) of the *Radio Regulations, 1986*, the licensee shall in each broadcast week:
- b) devote at least 70% of the musical selections that it broadcasts to musical selections from content subcategory 33 (World beat and international);
- i. the licensee shall devote at least 35% of all musical selections from subcategory 33 that it broadcasts to Canadian selections.
38. Specifically, the licensee proposed to replace the above condition of service with a condition requiring it to devote at least 20% of musical selections from content subcategory 33 (World beat and international) to Canadian musical selections.
39. The modified condition of service would read as follows:

In each broadcast week, the licensee shall:

- a) devote at least 70% of the musical selections that it broadcasts to musical selections from content subcategory 33 (World beat and international); and

b) devote at least 20% of musical selections from subcategory 33 that it broadcasts to Canadian musical selections.

40. The licensee submitted that the requirements that a minimum of 70% of musical selections be from content subcategory 33 and that a maximum of 30% of musical selections be from content category 2 are redundant. In its view, the Commission would be justified in removing the condition of service for this reason alone. In addition, it indicated that it is difficult to find artists who fall into subcategory 33 and meet the Canadian content criteria. Thus, according to the licensee, relief from condition 4.b)i. would help it maintain richer, more diverse programming.

Commission's analysis

41. In Broadcasting Regulatory Policy 2022-333, the Commission defined content subcategory 33 (World beat and international) as follows:

This genre includes world beat music that draws heavily from the traditional music styles of countries throughout the world. It also includes music from the popular, folk and classical music traditions of countries throughout the world that are played in instrumental form or sung in languages other than English and French.

42. The Commission recognizes that the condition of service, as currently set out, limits the licensee in terms of the variety of music that it can broadcast on CJWI. As the licensee indicated, there is not a wide range of musical selections from content subcategory 33 that can be considered Canadian musical selections. Further, paragraph 2.2(3)(b) of the Regulations states the following:

(3) Except as otherwise provided under a condition of its licence, an A.M. licensee, F.M. licensee or digital radio licensee shall devote, in a broadcast week,

(b) if the licensee is licensed to operate a station other than a community station or campus station, at least 10% of its musical selections from content category 3 to Canadian selections and schedule them in a reasonable manner throughout each broadcast day.

43. Thus, the requirement to broadcast, by condition of service, at least 35% Canadian world beat and international music selections is much higher than the standard requirement for ethnic stations. During the current licence term, the licensee broadcast 34.25% Canadian musical selections drawn from this sub-category, 0.75% below the required level.

44. As previously indicated, the Commission generally expects licensees of radio stations to be in compliance with any condition of service that they apply to amend or delete. In this case, the Commission is of the view that an exception to its general practice is appropriate, since this is a small breach of the minimum threshold imposed by condition of service.

45. Further, the Commission notes that the 35% Canadian content level requirement for musical selections from content category 3 currently imposed on the licensee greatly exceeds the level of 10% Canadian musical selections from content category 3 required of licensees pursuant to paragraph 2.2(3)(b) of the Regulations. Thus, a 20% threshold would enable CJWI to offer diversified programming while also having a positive impact on Canadian music creators.
46. In light of the above, the Commission **approves** the application by CPAM Radio to amend condition of service 4.b)i. Accordingly, the Commission **orders** CPAM Radio, as a **condition of service**, to devote during each broadcast week:
- a) at least 70% of the musical selections that it broadcasts to musical selections from content subcategory 33 (World beat and international); and
 - b) at least 20% of all musical selections from subcategory 33 that it broadcasts to Canadian musical selections.

Regulatory measures

47. 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 number, recurrence and seriousness of the instances of 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.
48. As set out in Broadcasting Regulatory Policy 2014-554, for stations that are in non-compliance, and depending on the nature of the non-compliance, the Commission may apply, on a case-by-case basis, measures such as renewing the licence for a short term; imposing additional conditions of licence (conditions of service); calling the licensee to a public hearing to respond to and discuss apparent non-compliance; issuing a mandatory order requiring the licensee to comply with regulatory requirements; or suspending, not renewing, or revoking the licence.
49. In regard to CJWI, this is the fifth consecutive licence term in which the licensee has been in non-compliance with various regulatory requirements. Further, this is the third consecutive licence term during which it has been in non-compliance with paragraph 9(3)(b) of the Regulations relating to the filing of a complete and accurate music list, and the second consecutive licence term in which it has been in non-compliance with condition of service 4.b)i. relating to Canadian musical selections from content subcategory 33 (World beat and international music).
50. In addition, the licensee has breached two broadcasting mandatory orders, specifically:
- Broadcasting Mandatory Order 2020-310 – requirement to comply at all times with paragraph 9(3)(b) of the Regulations relating to the filing of a complete

and accurate music list (this being the second time that the licensee has breached a mandatory order requiring it to comply with this paragraph); and

- Broadcasting Mandatory Order 2020-311 – requirement to comply at all times with condition of service 4.b)i. relating to Canadian selections from content subcategory 33 (World beat and international).

51. The Commission has examined the public record for this application and notes the licensee's willingness to ensure that the station complies with its regulatory requirements. The Commission also notes a significant improvement in CJWI's performance during the current licence term. The Commission notes that the licensee followed the advice it was given during its last licence renewal and that it contacted Commission staff when in need of clarification of regulatory requirements. However, despite the explanations provided and measures proposed at the public hearing, the fact that the licensee has breached two broadcasting mandatory orders, including one imposed for the second time at the last licence renewal, is very concerning.
52. As such, given the seriousness of the various instances of non-compliance and the recurrence of the non-compliance, the Commission finds that it would be appropriate to renew the broadcasting licence for CJWI for a short-term period, which will allow for an earlier review of the licensee's compliance with its regulatory requirements.
53. Finally, subsection 12(2) of the *Broadcasting Act* allows the Commission, by order, to either require a person to do any act or thing that the person is or may be required to do under Part II of the *Broadcasting Act*, under any regulation, licence, decision or order made or issued by the Commission under Part II of the *Broadcasting Act*, or forbid the doing or continuing of any act or thing that is contrary to Part II of the *Broadcasting Act*. Further, section 13 of the *Broadcasting Act* allows a mandatory order to be made an order of the Federal Court and makes such orders enforceable by the Federal Court.
54. CPAM Radio was specifically asked to comment on the possible imposition of a mandatory order for CJWI to comply with the requirements of paragraph 9(3)(b) of the Regulations relating to the filing of a complete and accurate music list. In its reply, the licensee indicated that it understands that the Commission could impose such an order.
55. Despite the licensee's awareness and its desire to operate the station in accordance with its regulatory obligations, and to stress the importance with which the Commission takes compliance with regulatory obligations, the Commission imposes a mandatory order for CJWI under subsection 12(2) of the *Broadcasting Act* requiring CPAM Radio to comply at all times with paragraph 9(3)(b) of the Regulations. The order requiring compliance with paragraph 9(3)(b) of the Regulations is set out in Appendix 2 to this decision. In addition, pursuant to section 13 of the *Broadcasting Act*, this order will be filed with the Federal Court and will be treated as an order of that court.

56. In addition, since the Commission has approved, in this decision, CPAM Radio's application to amend condition of service 4.b)i., the Commission considers that it would not be appropriate to re-impose the broadcasting mandatory order requiring the licensee to comply at all times with condition of service 4.b)i. relating to Canadian selections from content subcategory 33 (World beat and international).
57. Given that this renewal application was filed and processed prior to the coming into force of the new *Broadcasting Act*, and that interested parties had an opportunity to comment on the issues raised as part of that process, the Commission considers the public proceeding sufficient to achieve the purposes of the publication and consultation requirement set out in subsection 9.1(4) of the new *Broadcasting Act* in this case.

Conclusion

58. In light of all of the above, the Commission **renews** the broadcasting licence for the French-language commercial ethnic AM radio programming undertaking CJWI Montréal, Quebec, from 1 September 2023 to 31 August 2026. This short-term renewal will allow for an earlier review of the licensee's compliance with its regulatory requirements.
59. As noted above, pursuant to subsection 49(1) of the *Online Streaming Act*, the conditions of licence that existed prior to the date of royal assent of that Act are deemed to be conditions imposed under an order made pursuant to section 9.1 of the new *Broadcasting Act*. As such, the conditions of licence for this licensee became conditions of service and continue to apply to the licensee.
60. In light of paragraphs 1 and 59 of this decision, the Commission has set out **conditions of service** for this licensee in Appendix 1 to this decision. Further, the formal broadcasting licence document issued to a licensee may set out additional requirements for the undertaking, relating to, for example, technical parameters or prohibitions on transfer. The licensee shall also adhere to any such requirements set out in the broadcasting licence for the undertaking.
61. In addition, the Commission **approves** the licensee's request to amend the conditions of service relating to the percentage of musical selections from content category 2 (Popular Music) and content subcategory 33 (World beat and international) that the station must broadcast.
62. Finally, pursuant to subsection 12(2) of the *Broadcasting Act*, the Commission hereby **orders** CPAM Radio Union.com inc. to ensure that CJWI Montréal complies at all times with paragraph 9(3)(b) of the Regulations. A mandatory order to this effect is set out in Appendix 2 of this decision.

Reminders

63. The Commission reminds the licensee that it must comply at all times with the requirements set out in the *Broadcasting Act*, the Regulations, its licence and its conditions of service.
64. Should the licensee continue to be in non-compliance with regulatory requirements, the Commission may consider recourse to additional measures, including the issuance of a mandatory order, or the revocation, non-renewal or suspension of the licence pursuant to sections 9 and 24 of the *Broadcasting Act*.

Radio monitoring materials

65. The Commission is charged with the supervision and regulation of the Canadian broadcasting system. The submission of complete and accurate radio monitoring materials enables the Commission to conduct an analysis of a station's programming to verify compliance with the Regulations and conditions of service. The retention of these radio monitoring materials makes it possible for the Commission to investigate a station's programming in the case of complaints. As such, any licensee that does not file the requested material in a timely manner, files material that is incomplete or does not file the material at all, affects the ability of the Commission to adequately perform its duty to independently confirm the licensee's adherence to its regulatory obligations. These filings also become important indicators of whether the licensee has the willingness, ability and knowledge necessary to bring itself into compliance and maintain such compliance.

Canadian programming requirements

66. A licensee's failure to comply with Canadian music programming requirements may cause harm to the broadcasting system as it deprives Canadian artists of royalties, but also deprives them of airplay, which in turn reduces their exposure to audiences. Further, Canadians are deprived of the opportunity to listen to Canadian music, which runs counter to the objectives of the *Broadcasting Act* with regard to safeguarding, enriching and strengthening the cultural fabric of Canada. It is therefore important for licensees to fulfill their obligations to broadcast specific levels of Canadian content.

Local news

67. Radio stations are an important daily source of local news and information for communities. Carrying on a broadcasting undertaking comes with conditions, regulatory obligations and responsibilities, which include contributing to the Canadian broadcasting system by ensuring that Canadians have access to local programming that reflects their needs and interests and informs them of important current issues.
68. Although Broadcasting Regulatory Policy 2022-332 does not specify a minimum level of weekly news to be broadcast, it does specify the type of spoken word material that must be included as part of a station's local programming. In accordance with

that regulatory policy, the Commission reminds the licensee that its station, in its local programming, must incorporate spoken word material of direct and particular relevance to the communities served, and that this programming must include local news, weather, sports coverage, and the promotion of local events and activities. In addition, the Commission encourages the licensee to ensure that a reasonable amount of daily local news and information is made available to those communities.

Force and effect of broadcasting licences

69. Pursuant to section 22 of the *Broadcasting Act*, the broadcasting licence renewed in this decision will cease to have any force or effect should the broadcasting certificate issued by the Department of Industry (also known as Innovation, Science and Economic Development Canada) lapse.

Practical guide for radio licence renewals

70. To learn more about the Commission's review of compliance with requirements relating to radio licences, and about the radio renewal process, please consult the Commission's [Practical guide to radio licence renewals](#).

Secretary General

Related documents

- *Notice of hearing*, Broadcasting Notice of Consultation CRTC 2023-6, 10 January 2023, as amended by Broadcasting Notices of Consultation CRTC 2023-6-1, 27 January 2023; 2023-6-2, 10 February 2023; and 2023-6-3, 2 May 2023
- *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2022-333, 7 December 2022
- *Revised Commercial Radio Policy*, Broadcasting Regulatory Policy CRTC 2022-332, 7 December 2022
- *Call for licence renewal applications – Submission of renewal applications for broadcasting licences of radio stations expiring on 31 August 2023 – Regular renewal process*, Broadcasting Notice of Consultation CRTC 2022-152, 10 June 2022, as corrected by Broadcasting Notice of Consultation CRTC 2022-152-1, 18 August 2022
- *Various radio and audio programming undertakings and network – Administrative renewals*, Broadcasting Decision CRTC 2021-298, 30 August 2021
- *CJWI Montréal – Licence renewal and issuance of mandatory orders*, Broadcasting Decision CRTC 2020-308 and Broadcasting Orders CRTC 2020-309, 2020-310 and 2020-311, 27 August 2020

- *CJWI Montréal – Licence renewal and issuance of mandatory orders*, Broadcasting Decision CRTC 2018-168 and Broadcasting Orders CRTC 2018-169, 2018-170 and 2018-171, 18 May 2018
- *Various radio stations – Administrative renewals*, Broadcasting Decision CRTC 2017-224, 29 June 2017
- *CJWI Montréal – Licence renewal*, Broadcasting Decision CRTC 2015-409, 31 August 2015
- *Update on the Commission’s approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 2014
- *A targeted policy review of the commercial radio sector*, Broadcasting Regulatory Policy CRTC 2014-554, 28 October 2014
- *CJWI Montreal – Licence renewal*, Broadcasting Decision CRTC 2008-335, 1 December 2008
- *Administrative renewals*, Broadcasting Decision CRTC 2008-245, 29 August 2008
- *New ethnic AM radio station*, Decision CRTC 2001-678, 7 November 2001

This decision is to be appended to the licence.

Appendix 1 to Broadcasting Decision CRTC 2023-297

Terms, conditions of service, expectations and encouragement for the French-language commercial ethnic AM radio programming undertaking CJWI Montréal, Quebec

Terms

The licence will expire 31 August 2026.

Conditions of service

1. The licensee shall adhere to the conditions of service set out in *Revised conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2022-334, 7 December 2022. Further, the licensee shall adhere to the requirements set out in the broadcasting licence for the undertaking.
2. The licensee shall adhere to all applicable requirements set out in the *Radio Regulations, 1986*, that were made under paragraph 10(1)(a) or under paragraph 10(1)(i) of the old *Broadcasting Act*.⁶
3. The licensee is exempted from the requirement set out in subsection 7(2) of the *Radio Regulations, 1986* that it devote at least 50% of a broadcast week to third-language programs.
4. The licensee shall devote at least 90% of its programming in each broadcast week to French-language ethnic programming targeting the Haitian, Latin-American and African communities with French as a first or second language. The remaining 10% of its programming may be in third languages, that is, in languages other than French, English or an Indigenous language.
5. In each broadcast week, the licensee shall, as an exception to subsections 2.2(3), 2.2(3.1), 2.2(6), 2.2(9) and 2.2(10) of the *Radio Regulations, 1986*:
 - a) devote at least 70% of the musical selections that it broadcasts to selections from content subcategory 33 (World beat and international); and
 - b) devote at least 20% of the musical selections from subcategory 33 that it broadcasts to Canadian musical selections.

⁶ Pursuant to subsection 49(2) of the *Online Streaming Act*, which made a certain number of amendments to the *Broadcasting Act* when it came into force on 27 April 2023, any regulation made under paragraphs 10(1)(a) or 10(1)(i) of the old *Broadcasting Act* is deemed to be an order made under section 9.1 of the new *Broadcasting Act*.

Expectations

Cultural diversity

The Commission expects the licensee to reflect the cultural diversity of Canada in its programming and employment practices.

Canadian emerging artists

Consistent with the Commission's determination set out in *Revised Commercial Radio Policy*, Broadcasting Regulatory Policy CRTC 2022-332, 7 December 2022 (Broadcasting Regulatory Policy 2022-332), the Commission expects the licensee to devote, in each broadcast week, at least 5% of the station's musical selections to selections from Canadian emerging artists broadcast in their entirety. The licensee should report annually on how it has met this expectation, including the percentage of selections from Canadian emerging artists out of the total number of musical selections that were aired, and the number of distinct artists whose music has been aired. The licensee should also be able to provide, upon request, information such as a list of all titles, artists, and International Standard Recording Code (ISRC) numbers.

For the purposes of the above paragraph, the definition of "Canadian emerging artist" is the same as that set out in paragraph 346 of Broadcasting Regulatory Policy 2022-332.

Indigenous musical selections

Consistent with the Commission's determination set out in *Revised Commercial Radio Policy*, Broadcasting Regulatory Policy CRTC 2022-332, 7 December 2022 (Broadcasting Regulatory Policy 2022-332), the Commission expects the licensee to include Indigenous musical selections on the station's playlist. The licensee should report annually on the amount of Indigenous content aired on the station throughout the broadcast year (i.e., from 1 September to 31 August), including the percentage of Indigenous musical selections out of the total number of musical selections that were aired, and the number of distinct artists whose music has been aired. The licensee should also be able to provide, upon request, information such as a list of all titles, artists, and International Standard Recording Code (ISRC) numbers.

For the purposes of the above paragraph, the licensee may use the provisional definition of "Indigenous-Canadian musical selection" set out in paragraph 441 of Broadcasting Regulatory Policy 2022-332 to determine whether a musical selection can be considered an Indigenous musical selection.

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

Appendix 2 to Broadcasting Decision CRTC 2023-297

Broadcasting Mandatory Order CRTC 2023-298

CPAM Radio Union.com inc., the licensee of the French-language commercial ethnic AM radio programming undertaking CJWI Montréal, Quebec, is hereby ordered, pursuant to subsection 12(2) of the *Broadcasting Act*, to comply at all times during the term of the licence granted in *CJWI Montréal – Licence renewal and amendment to conditions of service*, Broadcasting Decision CRTC 2023-297, 29 August 2023, with the obligations set out in paragraph 9(3)(b) of the *Radio Regulations, 1986*, which reads as follows:

9(3) At the request of the Commission, a licensee shall submit for any period specified by the Commission in its request

(b) a list of the musical selections in the order in which they are broadcast by the licensee during that period that includes the title and performer of each musical selection and a legend that identifies

- (i) any Canadian musical selection,
- (ii) any hit,
- (iii) any instrumental selection,
- (iv) any content category 3 musical selection, and
- (v) the language of the musical selection, where the musical selection is not an instrumental selection.