



Broadcasting Decision CRTC 2025-118

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Reference: 2024-231

Gatineau, 23 May 2025

Northern Native Broadcasting (Terrace, B.C.)

Vancouver, British Columbia

Public record: 2024-0351-7

Public hearing in the National Capital Region

12 December 2024

Indigenous FM radio station in Vancouver

Summary

The Commission approves the application by Northern Native Broadcasting (Terrace, B.C.) (Northern Native Broadcasting) for a broadcasting licence to operate an Indigenous FM radio station in Vancouver, British Columbia.

The Commission notes that Northern Native Broadcasting is an important source of local news and information for Vancouver and its surrounding areas, and granting this licence will allow Northern Native Broadcasting to continue to serve its community in several Indigenous languages. It also notes that since Northern Native Broadcasting is an Indigenous-owned and led undertaking, granting this licence would directly support the public policy objectives established by the Indigenous (Native) Broadcasting Policy.

Application

1. On 26 June 2024, Northern Native Broadcasting (Terrace, B.C.) (Northern Native Broadcasting) filed an application for a broadcasting licence to operate an Indigenous (Type B Native)¹ FM radio station in Vancouver, British Columbia, to serve the urban Indigenous community in Vancouver and its surrounding areas.
2. Northern Native Broadcasting is a not-for-profit corporation controlled by its board of directors.
3. The station would operate at 106.3 MHz (channel 292C) with an average effective radiated power (ERP) of 4,600 watts (maximum ERP of 9,000 watts) with an effective height of

¹ Type B Native stations, as defined in Public Notice 1990-89, are referred to as Indigenous (Type B) stations in this decision.

antenna above average terrain (EHAAT) of 605.4 metres. The proposed station would serve Vancouver, Burnaby, Port Moody, Port Coquitlam, and New Westminster, British Columbia.

4. Northern Native Broadcasting proposed to broadcast 126 hours of programming each broadcast week, of which 101 hours would be devoted to musical programming, and 25 hours would be devoted to spoken word programming. Of these 126 hours, 120 hours would be comprised of local programming and would be broadcast in the English, Salishan, Coast Salish and Halkomelem languages.
5. The Commission did not receive any interventions in regard to this application.

Background

6. Northern Native Broadcasting initially obtained a broadcasting licence for CJNY-FM, an Indigenous (Type B) FM radio station in Vancouver.
7. In Broadcasting Decision 2023-230, the broadcasting licences of Indigenous (Type B) radio stations were administratively renewed until 31 August 2026. Due to various factors, CJNY-FM's broadcasting licence was omitted and expired on 1 September 2023.
8. Despite the expiration of the broadcasting licence issued by the Commission, the Department of Industry (also known as Innovation, Science and Economic Development Canada, herein after referred to as the Department) issued a broadcasting certificate for the station on 7 March 2023. This certificate expires on 31 August 2030.
9. When made aware of the issuance of the broadcasting certificate, Commission staff promptly informed Northern Native Broadcasting that the licence for CJNY-FM had expired, and indicated that it needed to apply for a new broadcasting licence to continue operating the station.

Issues

10. The Commission has the authority, pursuant to subsections 9(1), 9.1(1) and 11.1(2) of the *Broadcasting Act* (the 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 Act, and to make orders respecting expenditures.
11. After examining the record for this application in light of applicable regulations and policies, the Commission considers that it must address the following issues:
 - whether the applicant's ownership structure satisfies the requirements of the Commission's policy regarding Indigenous stations set out in Public Notice 1990-89

(Indigenous (Native) Broadcasting Policy)² and the requirements of the *Direction to the CRTC (Ineligibility of Non-Canadians)*³ (the Direction);

- whether the use of the proposed frequency represents an appropriate use of spectrum;
- whether approval of the application would have an undue economic impact on incumbent stations; and
- whether the programming proposed by the applicant satisfies the provisions set out in the Indigenous (Native) Broadcasting Policy as well as the relevant policy objectives of the Act.

Ownership structure

12. Pursuant to paragraph 3(1)(a) of the Act, the Canadian broadcasting system shall be effectively owned and controlled by Canadians. As required by the Direction, no broadcasting licence can be issued to an applicant that is a non-Canadian. To be considered as Canadian, the corporation must be incorporated or continued under the laws of Canada or a province. In addition, its chief executive officer (CEO) and no less than 80% of the board of directors must be Canadians.
13. Northern Native Broadcasting is a not-for-profit corporation incorporated in British Columbia that allows for board membership from the Indigenous communities the undertaking serves. The CEO and all the directors of Northern Native Broadcasting are all Canadians.
14. Northern Native Broadcasting indicated that the board representation would be increased by at least one member who would connect with the three core nations of the Lower Mainland Nations. It also proposed to create a community advisory council (the Council) that would be comprised of one member from each of the three Lower Mainland Nations (Squamish Nation, Tsleil-Waututh Nation and Musqueam Indian Band), along with seven members from agencies that provide services to Indigenous communities. The role of the Council would be to encourage the development of the management team in fulfilling the station's urban Indigenous programming conditions.
15. In light of the above, the Commission finds that Northern Native Broadcasting's structure is in compliance with the Indigenous (Native) Broadcasting Policy and with the Direction and, as such, is eligible to hold a broadcasting licence.

Appropriate use of spectrum

16. The Department has granted technical acceptability of the proposed station. As such, the

² According to the Indigenous (Native) Broadcasting Policy, to operate an Indigenous broadcasting undertaking in Canada, the undertaking must be owned and controlled by a not-for-profit organization. The organization's structure must allow for board membership from the Indigenous community the undertaking serves. These undertakings play a unique role in helping to develop Indigenous cultures and preserve Indigenous languages.

³ SOR/97-192, 8 April 1997.

proposal adheres to the Department's rules governing FM spectrum coordination.

17. Northern Native Broadcasting proposed the use of frequency 106.3 MHz (channel 292C), in Vancouver, which would make this frequency unavailable in Vancouver and the surrounding areas. The Commission notes that there is frequency scarcity in Vancouver and surrounding areas.
18. Since Northern Native Broadcasting began operating following initial approval by the Commission in Broadcasting Decision 2017-198 as well as the Department, and has continued to operate under an active broadcasting certificate, the approval of this application would not have an impact on the availability of frequencies.
19. In light of the above, the Commission finds that the use of frequency 106.3 MHz for the proposed radio station would represent an appropriate use of spectrum.

Economic impact on incumbent stations

20. Currently, there are 31 stations in the Vancouver radio market. Northern Native Broadcasting would continue to operate the only Indigenous (Type B) radio station in this market.
21. The Commission considers that Indigenous radio stations provide targeted content which amplifies diverse voices while having a minimal impact on the financial performance of the mainstream commercial market. Moreover, given that CJNY-FM has been authorized to serve its market, which includes an urban Indigenous community, since it was granted a broadcasting licence in Broadcasting Decision 2017-198, it would not have any additional impact on other stations' advertising revenues.
22. Furthermore, the Commission notes that there were no interventions in opposition to this application.
23. In light of the above, the Commission finds that the proposed station would not have an undue economic impact on incumbent stations in the Vancouver market.

Proposed programming requirements relating to Indigenous radio stations

24. Under the Indigenous (Native) Broadcasting Policy, an Indigenous undertaking is characterized by its ownership, programming and target audience. Its programming can be in any Indigenous language spoken in Canada and/or in either or both English or French, and should be specifically oriented to the Indigenous population and reflect the interests and needs specific to the Indigenous audience it is licensed to serve. It has a distinct role in fostering the development of Indigenous cultures and, where possible, the preservation of traditional Indigenous languages.
25. In Public Notice 2001-70, the Commission updated the conditions of licence⁴ and expectation for Indigenous undertakings relating to the amount of Canadian content to be broadcast on each station in each broadcast week, the amount of advertising material that

⁴ Now conditions of service.

may be broadcast on an Indigenous station, as well as non-station originating programming.

26. Subsection 3(1) of the Act places a particular focus on Indigenous programming and Indigenous languages. In particular, the Canadian broadcasting system should serve the needs and interests of all Canadians⁵ and provide opportunities to Indigenous peoples to produce programming in a variety of languages, including Indigenous languages, and to carry on broadcasting undertakings.⁶
27. Furthermore, subsection 3(1) provides that programming provided by the Canadian broadcasting system, through supporting the production and broadcasting of Indigenous language programming, should reflect the importance of Indigenous language revitalization,⁷ and that programming reflecting Indigenous cultures of Canada that is in Indigenous languages should be provided within community elements and other elements of the Canadian broadcasting system in order to serve Indigenous peoples where they live.⁸
28. Subsection 5(2) of the Act also states that the Canadian broadcasting system should be regulated and supervised in a flexible manner. In particular, this regulation and supervision should take into account the different characteristics and conditions under which English, French, and Indigenous language broadcasting undertakings operate, and the specific needs and interests of Indigenous peoples,⁹ and facilitate the provision of Canadian programs created and produced in both official languages, and Indigenous languages, to Canadians.¹⁰
29. The applicant stated that CJNY-FM would continue to serve the urban Indigenous community in Vancouver as it has done since being granted a broadcasting licence in Broadcasting Decision 2017-198. Programming would be broadcast in the English, Salishan, Coast Salish and Halkomelem languages.
30. Northern Native Broadcasting proposed to broadcast programming at the same levels as those on its original licence. This is comprised of 126 hours in each broadcast week, of which:
 - 101 hours would be devoted to musical programming; and
 - 25 hours would be devoted to spoken word programming.
31. Further, it proposed to devote 2 hours and 30 minutes per broadcast week to programming in Indigenous languages, as follows:
 - 50 minutes in the Salishan language;
 - 50 minutes in the Coast Salish language; and

⁵ Subparagraph 3(1)(d)(iii).

⁶ Subparagraph 3(1)(d)(iii.1).

⁷ Subparagraph 3(1)(i)(ii.2).

⁸ Paragraph 3(1)(o).

⁹ Paragraph 5(2)(a).

¹⁰ Paragraph 5(2)(e).

- 50 minutes in the Halkomelem language.
32. The applicant proposed to broadcast a Blues and Canadian-centric roots rock and classic hits musical format and would devote 21 hours to Indigenous musical content in each broadcast week. Further, as it builds connections with up-and-coming Indigenous performers and artists, it plans to add to the hours of Indigenous music that it would broadcast.
 33. Northern Native Broadcasting stated that it would develop relationships in Indigenous communities and with Indigenous artists and invite musicians for interviews and on-air performances. Talent development initiatives would include talent competitions tied in with celebrations and events.
 34. The applicant noted that spoken word programming would include local, regional, national, and First Nations news enriched by cultural features and stories.
 35. Northern Native Broadcasting stated that it would provide local news and information that affect the Territorial Land Holders in the three primary Nations within the urban area it serves, including the Squamish Nation, Musqueam Indian Band, and the Tsleil-Wautith Nation. News about development, emergency alerts that affect sustainable resources, community awareness and economic activities would receive the greatest priority.
 36. The Commission notes that the application fulfills the objectives of the Indigenous (Native) Broadcasting Policy. Specifically, CJNY-FM's programming would be broadcast in Indigenous languages spoken in Canada and in English, it would be specifically oriented to the Indigenous population, and would reflect the interests and needs specific to the Indigenous audience it would be licensed to serve.
 37. The Commission is also satisfied that CJNY-FM would fulfill the policy objectives set out in subsection 3(1) of the Act. Furthermore, pursuant to paragraphs 5(2)(a) and 5(2)(e) of the Act, the Commission finds that approval of the application would take into account the different characteristics of English, French and Indigenous language broadcasting and the different conditions under which broadcasting undertakings that provide English, French or Indigenous language programming operate, and the specific needs and interests of Indigenous peoples. Furthermore, it would facilitate the provision to Canadians of Canadian programs created and produced in Indigenous languages.
 38. In light of the above, the Commission finds that this application is consistent with the Indigenous (Native) Broadcasting Policy and Public Notice 2001-70 (which made changes to conditions of service for certain native radio undertakings) as well as the policy objectives of the Act.

Conclusion

39. In light of all of the above, the Commission approves the application by Northern Native Broadcasting (Terrace, B.C.) for a broadcasting licence to operate an Indigenous (Type B) FM radio station in Vancouver. The licence term will expire on 31 August 2031.

Conditions of service

Standard conditions of service

40. There are standard conditions of service that apply to all undertakings of a particular class. In this case, the Commission considers it appropriate that the licensee should adhere to the conditions of service for Indigenous radio stations regarding the level of musical selections from content category 2 (Popular Music) and compliance with certain codes, as set out in Public Notice 2001-70.
41. Further, pursuant to subsection 49(2) of the *Online Streaming Act*, 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*. As a result, the Commission considers it appropriate to require that the licensee adhere to these requirements as conditions of service.
42. Finally, the Commission has implemented obligations in respect of the broadcast of emergency alerts. For reference, see section 16 of the *Radio Regulations, 1986* (the Regulations) as well as Broadcasting Regulatory Policy 2014-444. Compliance involves implementing the public alerting system for each of the licensee's transmitters, and ensuring that any alert broadcast decoders (e.g., ENDEC) used for the purposes of broadcasting emergency alert messages be installed and programmed to properly account for the applicable contour (as set out in paragraph 16(2)(b) of the Regulations) of the station as well as that of any rebroadcasting transmitter that may appear on the licence for that station. The Commission considers it appropriate to require adherence to these obligations as a condition of service.
43. Accordingly, pursuant to subsection 9.1(1) of the Act, the Commission **orders** Northern Native Broadcasting (Terrace, B.C.), by **conditions of service** (the details of which are set out in the appendix), to:
 - devote at least 35% of its musical selections from content category 2 (Popular Music) to Canadian selections;
 - adhere to the Canadian Association of Broadcasters' *Equitable Portrayal Code* and the *Broadcast Code for Advertising to Children* if the licensee originates 42 hours or more of original programming in any broadcast week;
 - adhere to all applicable requirements set out in the Regulations that were made under paragraph 10(1)(a) or 10(1)(i) of the old Act; and
 - implement the National Public Alerting System by the station's launch.

Indigenous-language and local programming

44. As noted above, Northern Native Broadcasting plans to broadcast 2 hours 30 minutes of Indigenous-language programming. It also plans to devote a minimum of 120 hours of programming broadcast in each broadcast week to local programming. The Commission notes these commitments are the same as those contained in Northern Native Broadcasting's

original licence. Accordingly, the Commission considers it appropriate to require Northern Native Broadcasting to adhere to these commitments as conditions of service.

45. As such, pursuant to subsection 9.1(1) of the Act, the Commission **orders** Northern Native Broadcasting (Terrace, B.C.), by **conditions of service** (the details of which are set out in the appendix), to:

- devote at least 2 hours and 30 minutes of spoken word programming to Indigenous-language programming;
- devote at least 25% of its musical selections to Indigenous-Canadian musical selections broadcast in their entirety;
- devote at least 5% of all musical selections broadcast to musical selections in an Indigenous language per broadcast week; and
- devote a minimum of 120 hours of programming broadcast in each broadcast week to local programming.

46. The Commission notes that 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. Pursuant to subsection 9(1) of the Act, the licensee shall also adhere to any such requirements set out in the broadcasting licence for the undertaking.

47. The terms as well as the specifics of the conditions of service are set out in the appendix to this decision.

48. Finally, the Commission notes that the matters set out in the above orders were subject to a public proceeding that provided both the applicant and other interested persons notice of and an opportunity to make comments with respect to the proposed orders. The Commission is satisfied that, in this case, the public proceeding was sufficient to achieve the purpose of the publication and consultation requirement set out in subsection 9.1(4) of the Act.

Secretary General

Related documents

- *Various radio programming undertakings – Administrative renewals*, Broadcasting Notice of Consultation CRTC 2023-230, 28 July 2023
- *Licensing of new radio stations to serve the urban Indigenous communities in Vancouver, Edmonton, Calgary, Ottawa and Toronto*, Broadcasting Decision CRTC 2017-198, 14 June 2017
- *Amendments to various regulations, the standard conditions of licence for video-on-demand undertakings and certain exemption orders - Provisions requiring the mandatory distribution of emergency alert messages*, Broadcasting Regulatory Policy CRTC 2014-

444 and Broadcasting Orders CRTC 2014-445, 2014-446, 2014-447 and 2014-448, 29 August 2014

- *Changes to conditions of licence for certain native radio undertakings*, Public Notice CRTC 2001-70, 15 June 2001
- *Native Broadcasting Policy*, Public Notice CRTC 1990-89, 20 September 1990

This decision is to be appended to the licence.

Appendix to Broadcasting Decision CRTC 2025-118

Terms, conditions of service, and encouragements for the Indigenous (Type B) FM radio programming undertaking in Vancouver, British Columbia

Terms

The licence will expire 31 August 2031.

The station will operate at 106.3 MHz (channel 292C) with an average effective radiated power (ERP) of 4,600 watts (maximum ERP of 9,000 watts with an effective height of antenna above average terrain of 605.4 metres).

Under subsection 22(1) of the *Broadcasting Act*, no licence may be issued until the Department of Industry (also known as Innovation, Science and Economic Development Canada) notifies the Commission that its technical requirements have been met and that a broadcasting certificate will be issued.

Furthermore, the Commission will only issue a licence for this undertaking once the applicant has informed the Commission in writing that it is prepared to commence operations. The undertaking must be in operation by no later than **23 May 2027**. To request an extension, the applicant must submit a written request to the Commission at least 60 days before that date, using the form available on the Commission's website.

Conditions of service

1. 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*.
3. In each broadcast week, the licensee shall devote at least 35% of its musical selections from content category 2 (Popular Music) to Canadian selections broadcast in their entirety.

For the purposes of this condition of service, the terms “Canadian selection,” “content category” and “musical selection” shall have the same meanings as those set out in the *Radio Regulations, 1986*, as amended from time to time.

4. In each broadcast week, the licensee shall devote at least 2 hours and 30 minutes of spoken word programming to Indigenous-language programming.

For the purposes of this condition of service, “Indigenous-language programming” is defined as programming of which the spoken word content is in a language of the Indigenous peoples.

5. In each broadcast week, the licensee shall devote at least 25% of its musical selections to Indigenous-Canadian musical selections broadcast in their entirety.

For the purposes of this condition of service, “Indigenous-Canadian musical selection” is defined as a musical selection written or performed by an individual who has Canadian citizenship and who self-identifies as Indigenous, which includes First Nations, Metis or Inuit.

The term “musical selection” shall have the same meaning as that set out in *Radio Regulations, 1986*, as amended from time to time.

6. In each broadcast week, the licensee shall devote at least 5% of all musical selections broadcast to musical selections in an Indigenous language.
7. In each broadcast week, the licensee shall devote a minimum of 120 hours of the programming broadcast to local programming.

Local programming must incorporate spoken word material of direct and particular relevance to the Indigenous community within the market that the licensee is licensed to serve. This must include local news, weather, sports coverage, and the promotion of local events and activities.

For the purposes of this condition of service, “local programming” shall have the same meaning as that set out in *Commercial Radio Policy, 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006.

Furthermore, the term “market” shall have the same meaning as that set out in the *Radio Regulations, 1986*, as amended from time to time, which is, in the case of an FM station, the FM 3 mV/m contour or the central area as defined by the Bureau of Broadcast Measurement (BBM) (now known as Numeris), whichever is smaller.

8. If the licensee originates 42 or more hours of programming in any broadcast week, the licensee shall adhere to the Canadian Association of Broadcasters’ *Equitable Portrayal Code*, as amended from time to time and approved by the Commission, as well as to the *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission.

For the purposes of these conditions of service, “broadcast week” shall have the same meaning as that set out in the *Radio Regulations, 1986*, as amended from time to time.

9. The licensee shall implement the National Public Alerting System (NPAS) by the station’s launch in the manner set out in section 16 of the *Radio Regulations, 1986*, and in *Amendments to various regulations, the standard conditions of licence for video-on-demand undertakings and certain exemption orders – Provisions requiring the mandatory distribution of emergency alert messages*, Broadcasting Regulatory Policy CRTC 2014-444 and Broadcasting Orders CRTC 2014-445, 2014-446, 2014-447 and 2014-448, 29 August 2014, as amended from time to time.

Encouragements

Where the licensee intends to provide wrap-around programming, the Commission encourages it to use programming from another Indigenous station or network.

Employment equity

In accordance with *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992, the licensee should consider employment equity in its hiring practices and in all other aspects of its management of human resources.

Furthermore, the Commission notes that amendments to the *Broadcasting Act*, resulting from the *Online Streaming Act*, place greater emphasis on the inclusion of equity-deserving communities and individuals in the broadcasting system. As a result, the Commission may examine its diversity-related policies in the context of the consultations on inclusion and diversity announced in its [Regulatory plan to modernize Canada's broadcasting framework](#). In the meantime, the Commission encourages the licensee to consider the amendments to the *Broadcasting Act* when making operational decisions.