



Broadcasting Decision CRTC 2013-718

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Route reference: 2013-315

Ottawa, 18 December 2013

Trafalgar Broadcasting Limited
Oakville, Ontario

Application 2013-0211-6, received 25 January 2013

CJYE Oakville – Licence renewal

*The Commission **renews** the broadcasting licence for the English-language commercial radio station CJYE Oakville, Ontario, from 1 January 2014 to 31 August 2020.*

Introduction

1. Trafalgar Broadcasting Limited (Trafalgar) filed an application to renew the broadcasting licence for the English-language commercial radio station CJYE Oakville, Ontario, which expires 31 December 2013.¹ The Commission did not receive any interventions in connection with this application.

Non-compliance

2. In Broadcasting Notice of Consultation 2013-315, the Commission noted that the licensee was in apparent non-compliance with section 9(2) of the *Radio Regulations, 1986* (the Regulations) relating to the filing of complete annual returns for the 2010-2011 broadcast year.
3. Section 9(2) of the Regulations requires licensees to file an annual return by 30 November each year for the broadcast year ending the previous 31 August. The specific filing requirements, including the requirement to submit financial statements with the annual returns, are set out in Broadcasting Information Bulletin 2011-795.
4. The licensee explained that its failure to file the financial statements was an oversight. The licensee promptly filed the financial statements when it became aware of the situation, and indicated that it would put in place the measures necessary to ensure future compliance.

¹ The original expiry date of CJYE's broadcasting licence was 31 August 2013. This licence was administratively renewed until 31 December 2013 in Broadcasting Decision 2013-418.

5. In light of the above, the Commission finds the licensee in non-compliance with section 9(2) of the Regulations relating to the filing of complete annual returns for the 2010-2011 broadcast year.

Regulatory measures

6. In Broadcasting Information Bulletin 2011-347, the Commission announced a revised approach to non-compliance by radio stations. Specifically, the Commission indicated that each instance of non-compliance would be evaluated in its context and in light of factors such as the quantity, recurrence and seriousness of the non-compliance. The Commission also indicated that it would consider the circumstances of the non-compliance, the arguments provided by the licensee and the measures taken to rectify the situation.
7. The Commission notes that 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 and requirements. Accordingly, it considers annual returns that are incomplete and/or filed late to be a serious matter.
8. The Commission has reviewed the record for this application and considers that the missing financial statements was an isolated incident, since there have been no subsequent non-compliance issues in the licence term. The Commission is therefore confident that the necessary measures have been put in place to ensure future compliance. Given the circumstances surrounding Trafalgar's non-compliance for CJYE, the Commission considers it appropriate to grant a full-term renewal to this station.

Conclusion

9. In light of all the above, the Commission **renews** the broadcasting licence for the English-language commercial radio programming undertaking CJYE Oakville, Ontario, from 1 January 2014 to 31 August 2020. The licensee must adhere to the **conditions of licence** set out in the appendix to this decision.

Reminder

10. Pursuant to section 22 of the *Broadcasting Act*, the Commission reminds the licensee that the broadcasting licence will cease to have any force or effect if the broadcasting certificate issued by the Department of Industry lapses.

Secretary General

Related documents

- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2013-418, 19 August 2013

- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2013-315, 2 July 2013
- *Filing annual returns for radio programming undertakings*, Broadcasting Information Bulletin CRTC 2011-795, 20 December 2011
- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011

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

Appendix to Broadcasting Decision CRTC 2013-718

Term, conditions of licence and encouragement for the English-language commercial radio programming undertaking CJYE Oakville, Ontario

Term

The licence will expire 31 August 2020.

Conditions of licence

1. The licensee shall adhere to the conditions set out in *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009, as amended from time to time.
2. The licensee shall, as an exception to the percentage of Canadian musical selections set out in sections 2.2(8) and 2.2(9) of the *Radio Regulations, 1986*:
 - (a) in any broadcast week where at least 90% of musical selections from content category 2 that it broadcasts are selections released before 1 January 1981:
 - (i) in that broadcast week, excluding those periods referred to in paragraphs (b)(i) and (b)(ii), devote 30% or more of its musical selections from content category 2 to Canadian selections broadcast in their entirety; and
 - (ii) between 6 a.m. and 6 p.m., in the period beginning on Monday of that week and ending on Friday of the same broadcast week, excluding those periods referred to in paragraphs (b)(i) and (b)(ii), devote 30% or more of its musical selections from content category 2 to Canadian selections broadcast in their entirety;
 - (b) in those periods of category 2 music:
 - (i) consisting exclusively of music composed before 1956, devote a weekly average of 2% or more of its musical selections from content category 2 broadcast during those periods to Canadian selections broadcast in their entirety;
 - (ii) consisting of 90% or more but not exclusively, of music composed before 1956, devote a weekly average of 10% or more of its musical selections from content category 2 broadcast during those periods to Canadian selections broadcast in their entirety.

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

With regard to the above-noted condition of licence, whenever requested by the Commission to submit information concerning the station's broadcasting of Canadian music, the licensee must ascertain the date of composition of the selections it broadcasts and it must identify the programming periods which include the broadcast of pre-1956 musical selections and musical selections released before 1 January 1981 but after 1955.

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.