



## Broadcasting Decision CRTC 2014-273

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Route reference: 2014-58

Ottawa, 27 May 2014

**Radio communautaire Cornwall-Alexandria Inc.**  
Cornwall, Ontario

*Application 2013-1539-1, received 8 November 2013*

### **CHOD-FM Cornwall – Licence renewal**

*The Commission **renews** the broadcasting licence for the French-language community radio station CHOD-FM Cornwall from 1 September 2014 to 31 August 2021.*

#### **Application**

1. Radio communautaire Cornwall-Alexandria Inc. (Radio Cornwall-Alexandria) filed an application to renew the broadcasting licence for the French-language community radio station CHOD-FM Cornwall, which expires 31 August 2014. The Commission did not receive any interventions in connection with this application.

#### **Non-compliance**

2. In Broadcasting Notice of Consultation 2014-58, the Commission noted that Radio Cornwall-Alexandria was in apparent non-compliance with section 9(2) of the *Radio Regulations, 1986* (the Regulations), which relates to the filing of annual returns. Specifically, for the 2010-2011 broadcast year, the annual return for CHOD-FM was filed after the deadline set out in section 9(2), that is, the 30 November following the end of that broadcast year. The filing requirements, including the requirement to submit financial statements with the annual returns, are set out in Broadcasting Information Bulletin 2011-795.
3. The licensee explained that it had hired an accounting student to do the bookkeeping, but that the student needed to repeat the preparation of the annual return in question because the data was not balanced. Once it completed the return, the accounting student submitted it to an accountant for the preparation of the financial statements.
4. It further noted that at the same time, the station submitted an information request to Revenue Canada regarding the federal Goods and Services Tax (GST). In addition, new broadcasting equipment was installed in all of the station's studios and major renovations took place in the station's rooms.
5. Finally, Radio Cornwall-Alexandria noted that the station was experiencing a lack of staff due to funding issues and that it found it difficult to access the Commission's site to submit the annual return.

6. To ensure future compliance, the licensee indicated that it has hired an experienced subcontractor.
7. In light of the above, the Commission finds Radio Cornwall-Alexandria in non-compliance with section 9(2) of the Regulations for CHOD-FM for the 2010-2011 broadcast year.

### **Regulatory measures**

8. 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.
9. Compliance with the deadlines for the filing of complete annual returns is important because it enables the Commission to monitor a licensee's performance and compliance with the Regulations and its conditions of licence.
10. The Commission notes that this is the only situation of non-compliance for CHOD-FM during the current licence term. It further notes the measures put into place by the licensee to avoid future non-compliance. Finally, the Commission recognizes that staff turnover is one of the challenges that community radio stations face. In light of the above, and in light of the circumstances surrounding the non-compliance, the Commission finds that it is appropriate to renew the broadcasting licence for CHOD-FM for a full seven-year term.
11. Radio Cornwall-Alexandria requested greater flexibility in regard to the deadline for filing annual returns. It stated that the time granted to the accounting firm to complete CHOD-FM's financial statements is insufficient to guarantee the provision of financial data to the Commission. It also noted that the time granted by the federal government for the completion of a corporation's financial statements is six months. In this regard, the Commission notes that all licensed broadcasting undertakings are subject to the same regulatory requirements relating to the filing of annual returns by the 30 November deadline each year, and that it has never granted an exception to this requirement.

### **Conclusion**

12. In light of all of the above, the Commission **renews** the broadcasting licence for the French-language community radio programming undertaking CHOD-FM Cornwall from 1 September 2014 to 31 August 2021. The licensee shall adhere to the **conditions of licence** set out in Broadcasting Regulatory Policy 2012-304, as amended from time to time.

## Reminder

13. 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.

## Filing of ownership information

14. As set out in Broadcasting Regulatory Policy 2010-499, as amended from time to time, the Commission expects all community and campus radio licensees to file yearly updates on the composition of their boards 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. As noted in Appendix 3 to that policy, licensees may submit such documentation via the Commission's website.

## Employment equity

15. The Commission considers that campus and 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.

Secretary General

## Related documents

- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2014-58, 13 February 2014
- *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
- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011
- *Campus and community radio policy*, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010

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