



Broadcasting Decision CRTC 2017-313

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Reference: Part 1 licence renewal application posted on 10 May 2017

Ottawa, 29 August 2017

8384827 Canada Inc.
Toronto, Ontario

Application 2016-0773-0

CFXJ-FM Toronto – Licence renewal

*The Commission **renews** the broadcasting licence for the English-language commercial radio station CFXJ-FM Toronto from 1 September 2017 to 31 August 2024.*

Application

1. 8384827 Canada Inc., a wholly owned subsidiary of Newcap Inc. (Newcap), filed an application to renew the broadcasting licence for the English-language commercial radio station CFXJ-FM Toronto, which expires 31 August 2017. The Commission did not receive any interventions regarding this application.

Non-compliance

2. Under section 15 of the *Radio Regulations, 1986* (the Regulations), all commercial radio licensees with revenues exceeding \$1.25 million are required to make a basic annual contribution to Canadian content development (CCD). The Commission's records show that the licensee's annual basic CCD contribution for the broadcast year ending 31 August 2012 was paid late (i.e., on 4 November 2013).
3. Newcap explained that the shortfall occurred as a result of an accounting error associated with a change in ownership authorized in Broadcasting Decision 2010-964, when the station was under the ownership of Bell Media Inc. and 8384819 Canada Inc., partners in a general partnership carrying on business as Bell Media Toronto Radio 2013 Partnership.
4. In light of the above, the Commission finds the licensee in non-compliance with section 15 of the Regulations for the 2011-2012 broadcast year.

Regulatory measures

5. 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.

6. This is the licensee's first instance of non-compliance relating to its CCD contributions. Further, the Commission notes that the non-compliance occurred under unique circumstances while the station was under the operation of the previous licensee and that the shortfall was fulfilled in the 2013-2014 broadcast year. Therefore, the Commission is satisfied with the current licensee's explanation, and finds that it understands the regulations relating to CCD contributions and will bring the station into compliance in the next licence term. Accordingly, the Commission does not consider that regulatory measures are necessary in this case.

Conclusion

7. In light of all of the above, the Commission **renews** the broadcasting licence for the English-language commercial radio programming undertaking CFXJ-FM Toronto from 1 September 2017 to 31 August 2024. The licensee shall adhere to the **conditions** set out in Broadcasting Regulatory Policy 2009-62, as well as to the **conditions** set out in the broadcasting licence for the undertaking.

Reminder

8. Pursuant to section 22 of the *Broadcasting Act*, the Commission reminds the licensee that 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.

Cultural diversity

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

Employment equity

10. In accordance with Public Notice 1992-59, 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.

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
- *CFXJ-FM Toronto – Acquisition of assets*, Broadcasting Decision CRTC 2010-964, 23 December 2010

- *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009
- *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992

This decision is to be appended to the licence.