



Broadcasting Decision CRTC 2013-426

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Route reference: 2013-220

Ottawa, 21 August 2013

9015-2018 Québec inc.
Montréal, Quebec

Application 2012-1464-2, received 13 November 2012

CHOU Montréal – Licence renewal

*The Commission **renews** the broadcasting licence for the ethnic radio station CHOU Montréal from 1 September 2013 to 31 August 2020.*

Introduction

1. The Commission an received application by 9015-2018 Québec inc. (9015-2018 Québec) to renew the broadcasting licence for the ethnic radio station CHOU Montréal, which expires 31 August 2013:¹
2. The Commission received an intervention by l'Association québécoise de l'industrie du disque, du spectacle et de la vidéo (ADISQ) concerning the application for CHOU Montreal. ADISQ did not oppose a full-term renewal for CHOU provided that the Commission's review did not reveal non-compliance with respect to Canadian talent development (CTD) and Canadian content development (CCD) contributions other than that set out in Broadcasting Notice of Consultation 2013-220. The public record for this application is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

Non-compliance

3. In Broadcasting Notice of Consultation 2013-220, the Commission noted 9015-2018 Québec's apparent non-compliance with regard to
 - its condition of licence relating to CTD contributions for the 2006-2007 to 2010-2011 broadcast years;
 - section 9(2) of the *Radio Regulations, 1986* (the Regulations) regarding the provision of annual returns by the 30 November deadline for the 2009-2010 broadcast year; and

¹ The original licence expiry date for this station was 31 August 2012. The licence was administratively renewed until 31 August 2013 as a result of Broadcasting Decision 2012-447.

- section 9(2) of the Regulations regarding the provision of complete annual returns for each of the 2007-2008, 2009-2010 and 2010-2011 broadcast years, in that financial statements were not provided with the annual returns.
4. With respect to CTD, the licensee was required by condition of licence to contribute a total of \$8,000 per year, with \$3,000 of the total allocated to the Canadian Association of Ethnic Broadcasters (CAEB), \$1,000 to MUSICACTION and \$4,000 to new Canadian talent or third parties in the Canadian Arab community who were eligible for a CTD contribution. The licensee was unable to establish contacts with respect to the contributions to the CAEB and new Canadian talent, so it contributed the entire amount to MUSICACTION.
 5. Section 9(2) of the Regulations requires licensees to file an annual return by 30 November of each year for the broadcast year ending the previous 31 August. The filing requirements, including the requirement to submit financial statements, are set out in Broadcasting Information Bulletin 2011-795.
 6. The licensee has since filed the financial statements that were missing from the 2007-2008, 2009-2010 and 2010-2011 annual returns.
 7. In light of the above, the Commission finds the licensee in non-compliance with its condition of licence relating to CTD contributions and with section 9(2) of the Regulations relating to the filing of annual returns on time with all necessary information.

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. The Commission considers that initiatives relating to the development of Canadian content and talent not only help to develop and advance the careers of emerging Canadian artists but will increase the supply of high-quality Canadian music in a variety of genres and the demand for Canadian music by listeners. Accordingly, it is important that radio licensees make their required contributions.
10. The Commission notes that, although the licensee was unable to allocate its CTD contributions to all of the initiatives set out in its condition of licence, it did fulfill its entire financial obligations in this area through contributions to MUSICACTION.
11. With respect to annual returns, the Commission notes the explanation provided by the licensee and that all missing financial statements have been received. It reminds the

licensee that, as stated in Broadcasting Information Bulletin 2011-795, it is its responsibility to ensure that all appropriate forms and documentation are included with the submission of its annual return. If further clarification is required, it is the licensee's responsibility to contact the Commission for further direction.

12. Given the circumstances surrounding the non-compliance for 9015-2018 Québec inc. the Commission considers that it is appropriate to grant a full seven-year renewal to CHOU Montréal.

Conclusion

13. The Commission **renews** the broadcasting licence for CHOU Montréal from 1 September 2013 to 31 August 2020. The licence will be subject to the **conditions of licence** set out in the appendix to this decision.
14. 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

- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2013-220, 7 May 2013
- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2012-447, 17 August 2012, as corrected by Broadcasting Decision CRTC 2012-447-1, 22 August 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

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

Appendix to Broadcasting Decision CRTC 2013-426

Terms, conditions of licence and encouragement for the ethnic radio programming undertaking CHOU Montréal, Québec

Terms

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, during each broadcast week, provide programming to a minimum of 10 different ethnocultural groups in a minimum of 4 languages.

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.