



Broadcasting Decision CRTC 2013-684

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Route reference: 2013-325

Ottawa, 12 December 2013

7590474 Canada Inc.
Laval, Quebec

Application 2013-0045-9, received 15 January 2013

CJLV Laval – Licence renewal

*The Commission **renews** the broadcasting licence for the commercial radio station CJLV Laval, Quebec, from 1 January 2014 to 31 August 2020.*

Introduction

1. 7590474 Canada Inc. (7590474) filed an application to renew the broadcasting licence for the commercial radio station CJLV (formerly CFAV) Laval, Quebec, which expires on 31 December 2013.¹
2. The Commission received interventions regarding this application from the Association québécoise de l'industrie du disque, du spectacle et de la vidéo (ADISQ), and from the Ministère de la Culture et des Communications and the Ministère de la Sécurité publique, on behalf of the government of Quebec (the Ministères). The public record for this application can be found on the Commission's website at www.crtc.gc.ca under "Public Proceedings."
3. The intervention by the Ministères is related to the station's participation in the National Public Alerting System (NPAS). In this regard, as specified in its three-year plan, the Commission will be looking at measures to ensure the participation of Canadian broadcasters and telecommunications service providers in the NPAS. Therefore, the Commission will not impose conditions of licence requiring the participation of broadcasters in the NPAS at this time. However, the Commission expects all licensees to voluntarily participate in the NPAS so that Canadians receive timely warnings of imminent perils.

Non-compliance

4. In Broadcasting Notice of Consultation 2013-325, the Commission noted that the licensee was in apparent non-compliance with section 15 of the

¹ The original expiry date of the broadcasting licence for CJLV was 31 August 2013. The licence was administratively renewed until 31 December 2013 in Broadcasting Decision 2013-418.

Radio Regulations, 1986 (the Regulations) concerning Canadian content development (CCD) contributions for the 2009-2010 broadcast year. Specifically, the licensee failed to submit proof of payment regarding required annual CCD contribution.

5. The licensee explained that it took control of CJLV in May 2011, which was after the non-compliance occurred. After being informed by the Commission of the shortfall for the 2009-2010 broadcast year, the licensee contacted the previous owner and the organizations that received payments in 2010 to obtain the missing proof of payment.
6. After successfully obtaining proof of payment for a partial contribution to MUSICACTION, the licensee contributed an additional amount to this organization in March 2013 to rectify the shortfall for 2009-2010.
7. The Commission notes that the non-compliance identified during the current licence term was dated prior to the current licensee's acquisition of the station. Since the licensee acquired the station, it has operated in full compliance with its regulatory requirements and conditions of licence.
8. In light of the above, the Commission finds the licensee in non-compliance with section 15 of the Regulations for the 2009-2010 broadcast year.
9. In Broadcasting Decision 2010-290, the Commission renewed the broadcasting licence for CFAV for a short-term period of four years in light of the station's non-compliance with the requirement set out in section 9(2) of the Regulations to file annual returns for the 2003-2004 and 2004-2005 broadcast years and with its condition of licence setting its Canadian talent development contributions for the 2003-2004, 2004-2005 and 2005-2006 broadcast years. This is the second consecutive licence term in which the licensee has been in non-compliance.

Regulatory measures

10. In Broadcasting Information Bulletin 2011-347, the Commission announced a revised approach for dealing with 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, the arguments provided by the licensee and the measures taken to rectify the situation.
11. 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 also 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.
12. The Commission has reviewed the record for this application and is satisfied with the licensee's explanation regarding the non-compliance. Given the circumstances

surrounding the non-compliance of 7590474 with regard to CJLV, the Commission finds it appropriate to grant the station a full-term licence renewal.

Conclusion

13. In light of all of the above, the Commission **renews** the broadcasting licence for the commercial radio programming undertaking CJLV Laval, Quebec, from 1 January 2014 to 31 August 2020. The licensee shall adhere to the **conditions of licence** set out in Broadcasting Regulatory Policy 2009-62, as amended from time to time.

Reminder

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.

Employment equity

15. 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

- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2013-418, 19 August 2013
- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2013-325, 3 July 2013
- *Revised approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2011-347, 26 May 2011
- *CFAV Laval – Licence renewal and amendment*, Broadcasting Decision CRTC 2010-290, 19 May 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.*