



## Broadcasting Decision CRTC 2014-275

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Route reference: 2014-58

Ottawa, 27 May 2014

**Radio communautaire de l'Estrie**  
Sherbrooke, Quebec

*Application 2013-1607-6, received 7 November 2013*

### **CFLX-FM Sherbrooke – Licence renewal**

*The Commission **renews** the broadcasting licence for the French-language community radio station CFLX-FM Sherbrooke from 1 September 2014 to 31 August 2019. This short-term renewal will allow for an earlier review of the licensee's compliance with its regulatory requirements.*

#### **Application**

1. Radio communautaire de l'Estrie (Radio de l'Estrie) filed an application to renew the broadcasting licence for the French-language community radio station CFLX-FM Sherbrooke, 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 de l'Estrie 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 and 2011-2012 broadcast years, the annual returns for CFLX-FM were filed after the deadline set out in section 9(2), that is, the 30 November following the end of each of those broadcast years. The filing requirements, including the requirement to submit financial statements with the annual returns, are set out in Broadcasting Information Bulletin 2011-795.
3. Noting that the station's current director general has been with the station since June 2012, the licensee stated that the late filing of the 2010-2011 annual return was due in large part to the part-time status of the previous director general, who had worked on a full time basis for the four preceding years. It indicated that the non-compliance stemmed from a lack of time and personnel.
4. Radio de l'Estrie further stated that the director general was unable to file the 2011-2012 annual return electronically. It noted that this employee must learn the administrative side of the position to ensure that the station's regulatory requirements are respected. It added that the director general now has an assistant that helps in

carrying out various duties, and that it is prepared to submit the annual return for the 2012-2013 broadcast year by the prescribed deadline.

5. In light of the above, the Commission finds Radio de l'Estrie in non-compliance with section 9(2) of the Regulations for CFLX-FM for the 2010-2011 and 2011-2012 broadcast years.

### **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. 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.
8. The Commission is satisfied that Radio de l'Estrie understands the seriousness of its non-compliance. Further, it notes the measures put in place by the licensee, including the hiring of an assistant to the director general, to avoid future non-compliance. Finally, the Commission recognizes that staff turnover is one of the challenges that community radio stations face. Nevertheless, given the nature and extent of the non-compliance, the Commission considers it appropriate to renew the broadcasting licence for CFLX-FM for a short-term period of five years.

### **Conclusion**

9. In light of all of the above, the Commission **renews** the broadcasting licence for the French-language community radio programming undertaking CFLX-FM Sherbrooke from 1 September 2014 to 31 August 2019. The licensee shall adhere to the **conditions of licence** set out in Broadcasting Regulatory Policy 2012-304, as amended from time to time.
10. The Commission emphasizes the importance it places on a licensee's fulfillment of its regulatory requirements, and that it is the licensee's responsibility to ensure that it is aware of and adheres to those requirements at all times. The short-term renewal granted in this decision will allow for an earlier review of the licensee's compliance with its regulatory requirements.

### **Reminder**

11. 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**

12. 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**

13. 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.*