



## Broadcasting Decision CRTC 2014-617

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Route reference: 2013-322

Ottawa, 27 November 2014

**3885275 Canada Inc.**  
Toronto, Ontario

*Application 2012-1620-1, received 27 December 2012*

### **CJSA-FM Toronto – Licence renewal**

*The Commission **renews** the broadcasting licence for the commercial ethnic radio station CJSA-FM Toronto, Ontario, from 1 December 2014 to 31 August 2020.*

#### **Introduction**

1. 3885275 Canada Inc. (3885275 Canada) filed an application to renew the broadcasting licence for the commercial ethnic radio station CJSA-FM Toronto, Ontario, which expires 30 November 2014.<sup>1</sup>

#### **Interventions and reply**

2. The Commission received interventions in opposition to this application, including over 2,000 form letter interventions. The Commission also received joint supporting interventions. The licensee submitted a reply to the interventions. The public record for this application is available on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) or by using the application number provided above.
3. Some of the interveners who opposed the application questioned the accuracy of the ownership information for CJSA-FM found in the Commission's records. They stated that changes to the ownership had occurred without consultation and approval of the community. Some interveners also alleged that the station's Canadian content development (CCD) contributions had not been made in accordance with the Commission's rules and regulations and that Mr. Stanislaus Antony, sole shareholder of 3885275 Canada, had demanded that staff alter the station's logs and financial statements.
4. In its reply, the licensee stated that the claims are false and misleading. It argued that the ownership information filed with the Commission is accurate. It also refuted allegations that it altered logs and financial statements and indicated that its CCD contributions were made in accordance with the Commission's rules and regulations.

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<sup>1</sup> The original licence expiry date for CJSA-FM was 31 August 2013. The licence was administratively renewed until 30 November 2014 as a result of Broadcasting Decisions 2013-418, 2013-674 and 2014-413.

## **Complaint**

5. Mr. Jayaraman Vadivelu, former Chief Financial Officer for the station, filed an intervention in opposition to the application as well as a complaint against the licensee. The complaint, dated 11 November 2013, related to comments made on-air during a newscast on 14 October 2013. The licensee replied to the complaint. Complaints of this nature would usually be investigated by the Canadian Broadcast Standards Council (CBSC). While Mr. Vadivelu also filed his complaint with the CBSC, the CBSC was unable to investigate it because it was received more than 28 days after the broadcast, the time period during which the CBSC is able to begin an investigation. The Commission has reviewed the complaint and considers that the on-air content did not contravene any Commission policies or regulations.

## **Commission's analysis and decisions**

6. After examining the public record for this application, the Commission considers that the issues it must address are the following:
  - whether the ownership information it has on file is accurate; and
  - whether the station is in compliance with the *Radio Regulations, 1986* (the Regulations).

## **Accuracy of ownership information**

7. In Broadcasting Decision 2003-115, the Commission approved an application for a new ethnic FM radio station to be controlled by Mr. Antony. Mr. Antony filed the appropriate corporate documentation with the Commission in connection with that application. While there have been some changes in the ownership structure of the station since then, none of the changes have affected the effective control of the station such that they would have required the approval of the Commission. In addition, the licensee filed the appropriate documentation for those changes. Further, no evidence was filed to support the allegations made in the interventions. The Commission found no irregularities and therefore considers that the ownership information it has on file for this station is accurate.

## **Compliance with the Regulations**

8. In Broadcasting Notice of Consultation 2013-322, the Commission stated that it had examined the licensee's compliance with CCD requirements and the filing of annual returns and considered the licensee to be in compliance with the regulatory requirements.
9. In his intervention, Mr. Vadivelu stated that he held the position of Chief Financial Officer for the station from 2003 to 2011. Mr. Vadivelu indicated that he had been forced to adjust financial statements to avoid the scrutiny of agencies such as the Commission and Elections Canada.

10. With respect to the annual returns, the Commission notes that they were complete and submitted on time for the four years of the licence term. The Commission does not require the licensee to file audited financial statements as part of its annual returns because the total revenues of the licensee do not exceed \$10 million. However, in light of the allegations, the Commission requested audited financial statements for the 2008-2009 to 2011-2012 broadcast years. The Commission received these audited financial statements and found no irregularities.
11. In his intervention, Mr. Vadivelu also alleged that CCD expenditures were directed to Global Media Marketing Inc. (Global Media), a company owned by 3885275 Canada's controlling shareholder and several of its officers, for the organization of a talent contest and associated events.
12. The Commission examined the CCD contributions in question for the 2009-2010 to 2011-2012 broadcast years. Although the event was organized by Global Media, the proof of payment filed with the licensee's annual returns shows that the contributions were paid to individual artists directly.
13. In light of the above, the Commission considers that the licensee is in compliance with the Regulations with respect to annual returns and CCD contributions.

#### **Other matters**

14. The Commission does not regulate or supervise internal business practices of licensees. Accordingly, the Commission will not address the other matters raised in the interventions.

#### **Conclusion**

15. In light of the above, the Commission **renews** the broadcasting licence for the commercial ethnic radio programming undertaking CJSA-FM Toronto from 1 December 2014 to 31 August 2020. The terms and **conditions of licence** are set out in the appendix to this decision.

#### **Reminders**

16. 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.
17. The Commission reminds the licensee that it must seek the Commission's prior approval for any change to the ownership that would affect its control.

Secretary General

## Related documents

- *CJSA-FM Toronto – Administrative renewal*, Broadcasting Decision CRTC 2014-413, 6 August 2014
- *CJSA-FM Toronto – Administrative renewal*, Broadcasting Decision CRTC 2013-674, 11 December 2013
- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2013-418, 19 August 2013
- *Notice of applications received*, Broadcasting Notice of Consultation CRTC 2013-322, 4 July 2013
- *Ethnic FM radio station in Toronto*, Broadcasting Decision CRTC 2003-115, 17 April 2004

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

## **Appendix to Broadcasting Decision CRTC 2014-617**

### **Terms, conditions of licence and encouragement for the commercial ethnic radio programming undertaking CJSA-FM Toronto, Ontario**

#### **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, with the exception of condition of licence 7.
2. The station shall be operated within the Specialty format as defined in *A review of certain matters concerning radio*, Public Notice CRTC 1995-60, 21 April 1995, and *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2010-819, 5 November 2010.
3. The licensee shall devote a minimum of 90% of the programming broadcast during each broadcast week to ethnic programs, as defined in the *Radio Regulations, 1986*.
4. The licensee shall devote at least 48% of all ethnic programs broadcast during each broadcast week to programs in the Tamil, Hindi and Filipino languages.
5. The licensee shall devote a minimum of 80% of the programming broadcast during each broadcast week to third-language programs, as defined in the *Radio Regulations, 1986*.
6. The licensee shall offer, on a weekly basis, programming directed to a minimum of 16 cultural groups in a minimum of 22 languages.
7. The licensee shall ensure that at least 10% of the musical selections broadcast during ethnic programming periods during each broadcast week are Canadian selections.

#### **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.