



Broadcasting Decision CRTC 2016-419 and Broadcasting Order CRTC 2016-420

PDF version

References: 2016-64-1, 2016-64-4 and 2016-64-5

Ottawa, 20 October 2016

89.3 Surrey City FM Ltd.

Surrey, British Columbia

Reference 2016-0122-9

89.3 Surrey City FM Ltd. and Gurpal Singh Garcha – Issuance of mandatory order

The Commission issues a mandatory order prohibiting 89.3 Surrey City FM Ltd. (City FM) and Gurpal Garcha from, among other things, operating or having any involvement in an undertaking that is carrying on a broadcasting undertaking in whole or in part in Canada without a licence. This means that Mr. Garcha and City FM are prohibited from operating or being involved in a broadcasting undertaking operating as an exempt undertaking.

Introduction

1. On 11 September 2015, the Commission received a complaint from South Asian Broadcasting Corporation Inc. (South Asian Broadcasting), licensee of the commercial ethnic radio station CKYE-FM Vancouver, British Columbia. South Asian Broadcasting alleged that Surrey Myfm Inc. was operating VF2689 Surrey as an unauthorized commercial ethnic FM radio station rather than as an exempt tourist information station as it claimed. The Commission's determination in regard to this complaint is set out in Broadcasting Decision 2016-414, also issued today.
2. As a result of its investigation into the complaint, the Commission began examining other entities in the Surrey/Vancouver area claiming to operate their services as exempt low-power radio stations.
3. In light of the information gathered, the Commission noted in Broadcasting Notice of Consultation 2016-64-1 that 89.3 Surrey City FM Ltd. (City FM) appeared to be operating its exempt tourist information station in non-compliance with Broadcasting Order 2014-447, and, in particular, that City FM is:
 - broadcasting programming that is inconsistent with paragraphs 4, 6 and 7 of the order;
 - broadcasting without proper authorizations or certificates from the Department of Industry, contrary to paragraph 1 of the order; and

- failing to implement emergency alerting, as required under paragraph 10 of the order.
4. The Commission also stated that City FM therefore appeared to be carrying on a broadcasting undertaking in whole or in part in Canada without a broadcasting licence, contrary to the *Broadcasting Act* (the Act).
 5. The Commission also noted that if City FM was found to be carrying on a broadcasting undertaking in whole or in part in Canada without a licence or pursuant to an exemption, Mr. Garcha may also be in non-compliance with Broadcasting Order 2014-590, pursuant to which Mr. Garcha may not carry on a broadcasting undertaking in Surrey or anywhere else in Canada except in compliance with the Act.
 6. The Commission called City FM and Mr. Garcha to a hearing on 16 May 2016 to inquire into, hear and determine this matter and provide them with an opportunity to show cause why a mandatory order should not be issued requiring them to cease and desist from operating a broadcasting undertaking in Surrey or elsewhere in Canada, except in compliance with the Act. However, on the morning of his scheduled appearance, Mr. Garcha indicated that he could not attend due to a severe medical condition. In light of this development, this item was adjourned to a hearing on 20 July 2016 (see Broadcasting Notice of Consultation 2016-64-4).
 7. On 14 July 2016, City FM and Mr. Garcha entered into a Consent Agreement with the Commission, and consequently item 14 relating to 89.3 Surrey City FM Ltd. was made a non-appearing item on the 20 July 2016 hearing (see Broadcasting Notice of Consultation 2016-64-5).
 8. The Commission received interventions in opposition from I.T. Productions Ltd., licensee of the commercial AM ethnic radio station CJRJ Vancouver, the British Columbia Association of Broadcasters and South Asian Broadcasting. The public record for this proceeding can be found on the Commission's website at www.crtc.gc.ca or by using the reference number provided above.

Commission's analysis and decision

9. Pursuant to section 12 of the Act and consistent with the terms of the Consent Agreement, the Commission hereby imposes a mandatory order prohibiting Gurpal Garcha and 89.3 Surrey City FM Ltd. from carrying on a broadcasting undertaking or having any involvement in an undertaking carrying on a broadcasting undertaking in whole or in part in Canada without a licence issued by the Commission.
10. This means that Mr. Garcha and City FM are prohibited from operating or being involved in a broadcasting undertaking operating as an exempt undertaking.
11. The mandatory order is set out in the appendix to this decision.

Secretary General

Related documents

- *Surrey Myfm inc. and Ravinder Singh Pannu – Issuance of mandatory orders*, Broadcasting Decision CRTC 2016-414; 20 October 2016
- *Notice of hearing – Addition of three items*, Broadcasting Notice of Consultation CRTC 2016-64-1, 4 March 2016, as amended by Broadcasting Notice of Consultation 2016-64-4, 6 July 2016, and Broadcasting Notice of Consultation 2016-64-5, 18 July 2016
- *Radio Punjab – Issuance of mandatory order*, Broadcasting Order CRTC 2014-590, 13 November 2014
- *Amendments to various regulations, the standard conditions of licence for video-on-demand undertakings and certain exemption orders - Provisions requiring the mandatory distribution of emergency alert messages*, Broadcasting Regulatory Policy CRTC 2014-444 and Broadcasting Orders CRTC 2014-445, 2014-446, 2014-447 and 2014-448, 29 August 2014

Appendix to Broadcasting Decision CRTC 2016-419

Broadcasting Mandatory Order CRTC 2016-420

1. 89.3 Surrey City FM Ltd. and Gurpal Garcha are hereby ordered, pursuant to section 12(2) of the Broadcasting Act and consistent with the Consent Agreement, 14 July 2016 to not carry on a broadcasting undertaking in Surrey, British Columbia or elsewhere in Canada, except pursuant to a licence issued by the Commission.
2. 89.3 Surrey City FM Ltd. and Gurpal Garcha are hereby ordered to not have an ownership or equity interest or involvement of any nature in any element of a business connected with or carrying on a broadcasting undertaking in Surrey, British Columbia or elsewhere in Canada or with any over the air radio station operating out of the United States which has a transmitter whose signal reaches into Canada, except pursuant to a licence issued by the Commission.