



Broadcasting Decision CRTC 2017-268

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References: Part 1 licence renewal applications posted on 6 March 2017

Ottawa, 27 July 2017

Various licensees

Across Canada

Chutney Radio and Tamil Radio – Licence renewals

*The Commission **renews** the broadcasting licences for the national, English-language specialty audio service Chutney Radio and the national, ethnic Tamil- and English-language specialty audio service Tamil Radio from 1 September 2017 to 31 August 2022.*

These short-term renewals will allow for an earlier review of the licensees' compliance with their regulatory requirements.

Applications

1. The Commission received applications to renew the broadcast licences for the national specialty audio services set out below, which expire 31 August 2017. The Commission did not receive any interventions regarding these applications.

Licensee	Name of service	Application
8595879 Canada Limited	Tamil Radio	2016-1017-1
Caribbean Chutney Radio Limited	Chutney Radio	2016-1016-3

Non-compliance

2. Section 9(2) of the *Radio Regulations, 1986* (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 specific filing requirements, including the requirement to file financial statements, are set out in Broadcasting Information Bulletin 2011-795.
3. Further, in Broadcasting Decisions 2011-385 and 2011-389, the Commission imposed a condition of licence on both licensees requiring the services to adhere to section 9(2) of the Regulations despite the nature of their services.
4. After examining the record for these applications, the Commission notes that in the case of both services, the financial statements for the 2014-2015 broadcast year were

not included with the annual returns, and no annual returns were provided to the Commission for the 2012-2013 and 2013-2014 broadcast years.

5. 8595879 Canada Limited indicated that it did not think that it was necessary to file annual returns given that its service had no income or expenses. Similarly, Caribbean Chutney Radio Limited submitted that its service had no income or expenses to report for its first two years of operation.
6. In light of the above, the Commission finds the licensees in non-compliance with section 9(2) of the Regulations and the condition of licence to that effect for the 2012-2013, 2013-2014 and 2014-2015 broadcast years.

Regulatory measures

7. The Commission's approach to non-compliance by radio stations is set out in Broadcasting Information Bulletin 2014-608. Under that approach, each instance of non-compliance is evaluated in its context and in light of factors such as the quantity, recurrence and seriousness of the non-compliance. The circumstances leading to the non-compliance, the arguments provided by the licensee and the actions taken to rectify the situation are also considered.
8. Compliance with deadlines for the filing of complete annual returns is important because it enables the Commission to monitor a licensee's performance and compliance with regulations. Accordingly, it considers the late or incomplete filing of annual returns a serious matter.
9. Regardless of an undertaking's level of income or expenses, licensees are responsible for submitting a statement of accounts for the broadcast year ending the previous 31 August, by no later than 30 November of each year, as stated in the Regulations. Given the seriousness of the instances of non-compliance, the Commission finds it appropriate to renew the licences for Chutney Radio and Tamil Radio for a short-term period of five years.
10. Further, the Commission requires the licensees to file the services' annual returns for the 2012-2013 and 2013-2014 broadcast years and financial statements for the 2014-2015 broadcast year by no later than **30 September 2017**. A **condition of licence** to that effect is set out in the appendix to this decision.

Conclusion

11. In light of all of the above, the Commission **renews** the broadcasting licences for the national, English-language specialty audio programming undertaking Chutney Radio and the national, ethnic Tamil- and English-language specialty audio programming undertaking Tamil Radio from 1 September 2017 to 31 August 2022. The **conditions of licence** are set out in the appendix to this decision.

12. The Commission emphasizes the importance it places on licensees' fulfillment of their regulatory obligations. The shortened licence terms granted in this decision will allow for an earlier review of the licensees' compliance with the Regulations.

Reminder

13. Licensees are responsible for filing complete annual returns on time, including the financial statements. In addition, as set out in Broadcasting Information Bulletin 2011-795, it is the licensees' responsibility to ensure that all appropriate forms and documentation are included with their annual returns and to contact the Commission if further clarification is required.

Secretary General

Related documents

- *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting and Telecom Information Bulletin CRTC 2014-608, 21 November 2014
- *Filing annual returns for radio programming undertakings*, Broadcasting Information Bulletin CRTC 2011-795, 20 December 2011
- *Tamil Radio – Specialty audio service*, Broadcasting Decision CRTC 2011-389, 22 June 2011
- *Chutney Radio – Specialty audio service*, Broadcasting Decision CRTC 2011-385, 21 June 2011

This decision is to be appended to each licence.

Appendix to Broadcasting Decision CRTC 2017-268

Terms, conditions of licence and encouragement for the national specialty audio programming undertakings Chutney Radio and Tamil Radio

Terms

The licence will expire 31 August 2022.

Conditions of licence applicable to each service

1. The licensee shall adhere to the conditions of licence and the licensing framework for specialty audio programming services set out in Appendix 1 to *New licensing framework for specialty audio programming services*, Broadcasting Public Notice CRTC 2002-53, 12 September 2002, as well as to the conditions set out in the broadcasting licence for the undertaking.
2. The licensee shall file the annual returns for the 2012-2013 and 2013-2014 broadcast years, as well as the financial statements for the 2014-2015 broadcast year, by no later than **30 September 2017**.
3. The licensee shall adhere to the *Broadcast Code for Advertising to Children* and the *Equitable Portrayal Code*, as amended from time to time and approved by the Commission.
4. The licensee shall adhere to sections 2.2, 3, 4, 6, 7, 8, 9(2) and 11 of the *Radio Regulations, 1986*.
5. The licensee shall adhere to the *Broadcasting Licence Fee Regulations, 1997* if its revenues derived from broadcasting activities exceed the threshold amount of \$2 million.

Additional condition of licence applicable to Chutney Radio

6. The licensee shall provide a national, English-language specialty audio service devoted to the English-language Caribbean communities in Canada. All of the programming broadcast in each broadcast week shall be in the English language. Programming shall consist of talk shows, music, news and general information on sports, politics, weather, health, farming, education, as well as import and export issues.

Additional condition of licence applicable to Tamil Radio

7. The licensee shall provide a national, ethnic Tamil- and English-language specialty audio service devoted to the Tamil-speaking communities in Canada. Of the programming broadcast in each broadcast week, 90% shall be in the Tamil language, and the remaining 10% shall be in the English language. Programming shall consist

of talk shows, music, news and general information on sports, politics, weather, health, farming, education, as well as import and export issues.

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.