



## Broadcasting Decision CRTC 2017-305

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Reference: Part 1 licence renewal application posted on 6 March 2017

Ottawa, 25 August 2017

**Radio Ville-Marie**  
Montréal, Quebec

*Application 2016-1030-4*

### **CIRA-FM Montréal and its transmitters CIRA-FM-2 Trois-Rivières, CIRA-FM-3 Victoriaville and CIRA-FM-4 Rimouski – Licence renewal**

*The Commission **renews** the broadcasting licence for the predominantly religious French-language radio station CIRA-FM Montréal, Quebec, and its transmitters CIRA-FM-2 Trois-Rivières, CIRA-FM-3 Victoriaville and CIRA-FM-4 Rimouski, from 1 September 2017 to 31 August 2022.*

*This short-term renewal will allow for an earlier review of the licensee's compliance with the regulatory requirements.*

#### **Application**

1. Radio Ville-Marie filed an application to renew its broadcasting licence for the predominantly religious French-language radio station CIRA-FM Montréal, Quebec, and its transmitters CIRA-FM-2 Trois-Rivières, CIRA-FM-3 Victoriaville and CIRA-FM-4 Rimouski, which expires 31 August 2017. The Commission did not receive any interventions regarding this application.

#### **Non-compliance**

##### **Submission of annual returns**

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 submit financial statements, are set out in Broadcasting Information Bulletin 2011-795.

3. According to the Commission's records, Radio Ville-Marie is in apparent non-compliance with section 9(2) of the Regulations. Specifically:
  - the annual returns were filed after the 30 November deadline for broadcast years 2014-2015 and 2015-2016;
  - the financial statements filed for broadcast years 2012-2013 and 2013-2014 were incomplete, covering calendar years rather than broadcast years; and
  - form 1411, relating to the National Public Alerting System, was not attached to the annual report for the 2014-2015 broadcast year.
4. The licensee filed all missing documents on 16 January 2017.
5. Radio Ville-Marie stated that the instances of non-compliance were the result of an incorrect reading and understanding of the regulatory requirements by the new administrative team, of the station's move in 2015 and of the limited resources at its disposal.
6. The licensee stated that it has formed a committee with the mandate of ensuring that everyone fully understands the Commission's requirements and of establishing a deadline calendar for document filings.
7. In light of the above, the Commission finds Radio Ville-Marie in non-compliance with section 9(2) of the Regulations relating to the filing of annual returns for the 2012-2013 through 2015-2016 broadcast years.

#### **Radio monitoring equipment**

8. Sections 8(4) and 8(6) of the Regulations set out the Commission's requirements with regard to the filing, upon Commission request, of a program log, a signed certificate attesting to the accuracy of its content and a clear and intelligible recording. Section 9(3)(b) of the Regulations sets out the information that a licensee, upon Commission request, must include with the musical selections lists it files, for a given period of time.
9. Radio Ville-Marie is in apparent non-compliance with sections 8(4), 8(6) and 9(3)(b) of the Regulations for the following reasons:
  - the licensee did not provide its program log for the week of 21 to 27 February 2016 or a certificate attesting to the accuracy of the log signed by itself or a representative, as requested in a Commission letter dated 3 March 2016;
  - the sound recordings for the first three days (21 to 23 February) contained a significant amount of static, which significantly hindered analysis of the content;
  - the music list did not identify the content category 3 (Special Interest Music) musical selections that were broadcast.

10. The licensee stated that some of its equipment did not restart properly following a major power outage on 23 February 2016. As for the period of 21, 22 and 23 February until 11 a.m. (when the power outage began), the programming source was different from that of the rest of the week.
11. The licensee stated that its technical division now performs random spot checks of the recorder and sound samples to ensure the proper operation of the system and the quality of the recordings.
12. In light of the above, the Commission finds that Radio Ville-Marie is in non-compliance with sections 8(4), 8(6) and 9(3)(b) of the Regulations in regard to radio monitoring equipment.

#### **Commission requests for information**

13. Section 9(4)(b) of the Regulations requires licensees to respond to any Commission request for information regarding adherence to regulatory requirements.
14. In a letter dated 3 March 2016, the Commission made a request for information from Radio Ville-Marie relating to conditions of licence 1, 2 and 3 set out in Appendix 7 of Broadcasting Decision 2010-890. Specifically, the Commission asked the licensee to file two additional documents identifying all religious programming and all advertising programming. Radio Ville-Marie did not file these two documents.
15. In light of the above, the Commission finds Radio Ville-Marie in non-compliance with section 9(4)(b) of the Regulations.

#### **Solicitation of funds**

16. The Religious Broadcasting Policy, set out in Public Notice 1993-78, provides guidelines on ethics for religious programming. Specifically, the Commission expects all licensees to comply with strict provisions regarding the solicitation of funds, including that any solicitation of funds not be alarmist in suggesting that the program may be discontinued in the absence of donations.
17. CIRA-FM broadcast messages soliciting funds that violate the aforementioned guidelines. Specifically, the solicitations broadcast suggested that CIRA-FM would be unable to pursue its mission without donations from its listeners.
18. The licensee stated that its precarious financial situation led it to use excessive qualifiers to raise its listeners' awareness of the significance of donations. The licensee quickly removed the solicitation messages from the air, and confirmed that any new solicitations would respect the guidelines set out in Broadcasting Public Notice 1993-78.
19. In light of the above, the Commission finds that Radio Ville-Marie did not comply with the requirements set out in the Religious Broadcasting Policy.

## Regulatory measures

20. The Commission's current 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.
21. The licensee provided vague explanations in regard to the absence of audio recordings for some programming hours, but subsequently filed the missing documents shortly after. It also demonstrated its willingness and implemented remedial measures to ensure that it will respect the Commission's requirements in the future. The Commission therefore considers that it would be appropriate to grant CIRA-FM a short-term renewal of five years.

## Conclusion

22. In light of all of the above, and in the absence of any prior non-compliance, the Commission **renews** the broadcasting licence for the predominantly religious French-language FM radio programming undertaking CIRA-FM Montréal and its transmitters CIRA-FM-2 Trois-Rivières, CIRA-FM-3 Victoriaville and CIRA-FM-4 Rimouski, from 1 September 2017 to 31 August 2022. The terms and **conditions of licence** are set out in the appendix to this decision.

## Reminders

23. Licensees are responsible for filing complete annual returns on time and for ensuring that the returns cover a broadcast year (from 1 September to 31 August) and not a calendar year (from 1 January to 31 December). Further, as set out in Broadcasting Information Bulletin 2011-795, it is the licensee's responsibility to ensure that all appropriate forms and documentation are included with its annual returns, and to contact the Commission if further clarification is required.
24. The Commission is charged with the supervision and regulation of the Canadian broadcasting system. The submission of complete and accurate program logs, logger tapes and music lists enables the Commission to conduct an analysis of a station's programming to verify compliance with regulatory requirements and conditions of licence. The retention of program logs and logger tapes also makes it possible for the Commission to investigate a station's programming in the case of complaints. As such, any licensee that does not file requested material in a timely manner, or does not file such material at all, affects the ability of the Commission to adequately perform its duty to independently confirm the licensee's adherence to regulatory and licence requirements. These filings also become important indicators of whether the licensee has the willingness, ability and knowledge necessary to bring itself into compliance and maintain such compliance.

25. 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.

Secretary General

### **Related documents**

- *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 2014
- *Filing annual returns for radio programming undertakings*, Broadcasting Information Bulletin CRTC 2011-795, 20 December 2011
- *Licence renewals*, Broadcasting Decision CRTC 2010-890, 30 November 2010
- *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993

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

## Appendix to Broadcasting Decision CRTC 2017-305

### Terms, conditions of licence and encouragement for the predominantly religious French-language radio programming undertaking CIRA-FM Montréal and its transmitters CIRA-FM-2 Trois-Rivières, CIRA-FM-3 Victoriaville and CIRA-FM-4 Rimouski

#### Terms

The licence will expire on 31 August 2022.

#### Conditions of licence

1. The licensee shall devote the majority of the broadcast week to broadcasting religious programming as defined in *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993.
2. The licensee shall adhere to the guidelines on ethics for religious programming set out in *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993, regarding the solicitation of funds and religious programming practices.
3. The licensee shall broadcast not more than 6 minutes of advertising in each hour of broadcast, and it shall not broadcast more than an average of 4 minutes of advertising per hour of broadcast up to a total of 504 minutes of advertising per week.
4. If the licensee originates 42 or more hours of programming in any broadcast week, the licensee shall adhere to the Canadian Association of Broadcasters' *Equitable Portrayal Code*, as amended from time to time and approved by the Commission. The application of the foregoing condition of licence will be suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council.
5. The licensee shall adhere to the *Broadcast code for advertising to children*, as amended from time to time and approved by the Commission.
6. The licensee is authorized to use a Subsidiary Communications Multiplex Operation (SCMO) channel, for the purpose of distributing the predominantly Italian-language non-commercial religious service of Radio Maria Canada inc.
7. The licensee shall neither solicit nor accept advertising paid or unpaid as part of the predominantly Italian-language non-commercial religious service of Radio Maria Canada inc. For the purposes of this condition, "advertising" means "commercial message" as defined in the *Radio Regulations, 1986*.
8. The licensee shall adhere to the applicable guidelines set out in *Services Using the Vertical Blanking Interval (Television) or Subsidiary Communications Multiplex Operation (FM)*, Public Notice CRTC 1989-23, 23 March 1989.

## **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.