



Broadcasting Decision CRTC 2018-301

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Reference: Part 1 licence renewal application posted on 23 February 2018

Ottawa, 22 August 2018

Valley Heritage Radio
Renfrew, Ontario

Public record for this application: 2017-0775-4

CJHR-FM Renfrew – Licence renewal

*The Commission **renews** the broadcasting licence for the English-language community radio station CJHR-FM Renfrew from 1 September 2018 to 31 August 2024. This short-term licence renewal will allow for an earlier review of the licensee's compliance with regulatory requirements.*

Application

1. Valley Heritage Radio (Valley Heritage) filed an application to renew the broadcasting licence for the English-language community radio station CJHR-FM Renfrew, Ontario, which expires 31 August 2018. The Commission received an intervention in support of this application.

Background

2. In Broadcasting Decision 2012-704, the Commission found the licensee in non-compliance with section 9(2) of the *Radio Regulations, 1986* (the Regulations) relating to the filing of annual returns, and renewed CJHR-FM's broadcasting licence for a short term.

Non-compliance

3. Section 9(2) of the Regulations requires radio station licensees to file an annual return, including financial statements, by 30 November of each year for the broadcast year ending the previous 31 August. The specific filing requirements, including those relating to financial statements, are set out in Broadcasting Information Bulletin 2011-795.
4. According to Commission records, CJHR-FM's annual returns for the 2013-2014 through 2015-2016 broadcast years were filed on time, but for an incorrect period. More specifically, they covered the year ending 31 March rather than the broadcast year, which ends 31 August.

5. Valley Heritage explained that the station has gone through significant staffing changes since the last renewal period, including the departure of those responsible for filing annual returns. It added that it had consulted with the Commission's Data Collection System prior to filling out the 2014-2015 survey, and as no further feedback was provided, it understood that its submission was both received and compliant.
6. The licensee indicated that a new bookkeeper has since documented processes and procedures taken for this initiative, and that the appropriate individual is on the CRTC Login Accounts. Further, it has rewritten the tools and spreadsheets for consistent submissions going forward. Valley Heritage added that a proposal will be put forward to the finance committee to consider changing the station's fiscal year to align with the Commission's broadcast year. It added that the committee members are now committed for the long term, but noted that in the event of a transition, the processes, procedures and key dates have all been documented in a central location that is accessible by all.
7. Valley Heritage did not deny that the submission of annual returns was not in accordance with what the Commission had required, but argued that it had submitted the returns in good faith, unaware that it was doing anything that did not comply with Commission regulations. It stated that it would resubmit the financial information on or before 30 November 2017, and that it would prefer to have a long-term renewal to allow the station to make a commitment to the many loyal listeners, partners, employees and advertisers. The licensee also noted that the station has initiated discussions with community programs to move to a long-term partnership (i.e., three to five years) as well as with advertisers to be part of their long-term strategic advertising initiatives.
8. In light of the preceding, the Commission finds the licensee in non-compliance with section 9(2) of the Regulations.

Regulatory measures

9. 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.
10. In regard to the present case, the licensee re-filed the annual returns for the 2013-2014 through 2015-2016 broadcast years on 29 November 2017, reflecting the correct reporting period for each (i.e., 1 September to 31 August). The Commission is confident that the licensee has taken appropriate measures to be in compliance over the next licence term.

11. Nevertheless, this is the second consecutive licence term in which the licensee has been in non-compliance with the requirements relating to filing annual returns. Consequently, the Commission considers it appropriate to grant the station a short-term renewal of six years. This short-term licence renewal will allow for an earlier review of the licensee's compliance with regulatory requirements.

Conclusion

12. In light of the above, the Commission **renews** the broadcasting licence for the English-language community radio programming undertaking CJHR-FM Renfrew from 1 September 2018 to 31 August 2024. The licensee shall adhere to the **conditions of licence** set out in Broadcasting Regulatory Policy 2012-304, as well as to the **conditions** set out in the licence for the undertaking.

Reminders

13. Licensees are responsible for filing complete annual returns on time, representing a broadcast year (i.e., from 1 September to 31 August of the following year). In addition, 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.
14. Should the licensee continue to be in non-compliance with its regulatory requirements, the Commission may consider recourse to additional measures as part of the next licence renewal process, including the issuance of a mandatory order.
15. Pursuant to section 22 of the *Broadcasting Act*, the broadcasting licence renewed in this decision will cease to have any force or effect should the broadcasting certificate issued by the Department of Industry lapse.

Cultural diversity

16. The Commission expects the licensee to reflect the cultural diversity of Canada in its programming and employment practices.

Updates on composition of boards of directors

17. As set out in Broadcasting Regulatory Policy 2010-499, the Commission expects all community and campus 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

18. In accordance with Public Notice 1992-59, 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.

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
- *Various campus and community radio programming undertakings – Licence renewals*, Broadcasting Decision CRTC 2012-704, 21 December 2012
- *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
- *Campus and community radio policy*, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010
- *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992

This decision is to be appended to the licence.