



## Broadcasting Decision CRTC 2019-235

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Reference: Part 1 licence renewal application posted on 28 February 2019

Ottawa, 02 July 2019

**HFX Broadcasting Inc.**  
Halifax, Nova Scotia

*Public record for this application: 2018-0422-9*

### **CKHZ-FM Halifax – Licence renewal**

*The Commission **renews** the broadcasting licence for the English-language commercial radio station CKHZ-FM Halifax, Nova Scotia, from 1 September 2019 to 31 August 2026.*

#### **Application**

1. HFX Broadcasting Inc. (HFX) filed an application to renew the broadcasting licence for the English-language commercial radio station CKHZ-FM Halifax, Nova Scotia, which expires 31 August 2019. The Commission did not receive any interventions in connection with this application.

#### **Non-compliance**

##### **Canadian content development contributions**

2. The appendix to Broadcasting Decision 2013-144 included condition of licence 3 for CKHZ-FM, which is as follows:

In addition to the required basic annual contribution to Canadian content development (CCD) set out in section 15 of the *Radio Regulations, 1986*, as amended from time to time, the licensee shall make a contribution of \$35,787 to eligible CCD initiatives by 31 August 2013. Parties and initiatives fulfilling the definition of eligible initiatives are set out in paragraph 108 of *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006.

3. The licensee did not provide sufficient proof of eligibility regarding the reported CCD initiatives in order to fulfill condition of licence 3 along with its 2012-2013 annual return. This placed the licensee in apparent non-compliance with this condition of licence.
4. Once HFX was aware of the lack of proof of eligibility, it submitted a detailed explanation of its CCD initiatives, as well as complete supporting documentation.

5. The Commission considers that the material that HFX filed has resolved all issues related to over and above CCD contributions. Accordingly, the Commission finds the licensee in compliance with condition of licence 3.

### **Regulatory measures**

6. 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.
7. In this case, the Commission finds that the licensee has now demonstrated, through the submission of adequate documentation, that it has fulfilled its condition of licence with respect to over and above CCD contributions. Accordingly, the Commission considers it appropriate to grant the station a full licence term.

### **Conclusion**

8. In light of all the above, the Commission **renews** the broadcasting licence for the English-language commercial radio programming undertaking CKHZ-FM Halifax from 1 September 2019 to 31 August 2026. The terms and **conditions of licence** are set out in the appendix to this decision.

### **Reminders**

9. Pursuant to section 22 of the *Broadcasting Act*, (the 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.
10. The Commission reminds the licensee that it must comply at all times with the requirements set out in the Act, the Regulations, and its conditions of licence.
11. It is important that radio station licensees make their required contributions to CCD, given that CCD initiatives not only help to develop and advance the careers of emerging Canadian artists, but increase the supply of high-quality Canadian music in a variety of genres and the demand for Canadian music by listeners. The non-payment of CCD contributions therefore has the potential to cause harm to the Canadian broadcasting system.
12. It is incumbent upon licensees to provide, by the required deadlines, proof of payment for such initiatives. Licensees must also provide sufficient documentation to support the eligibility of their contributions. Failure to do so may result in the Commission finding a contribution ineligible, which in turn may affect a station's compliance with regulatory obligations.

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
- *CKHZ-FM Halifax – Licence renewal*, Broadcasting Decision CRTC 2013-144, 21 March 2013
- *Commercial Radio Policy 2006*, Broadcasting Public Notice CRTC 2006-158, 15 December 2006

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

## **Appendix to Broadcasting Decision CRTC 2019-235**

### **Terms, conditions of licence, expectation and encouragement for the English-language commercial radio programming undertaking CKHZ-FM Halifax, Nova Scotia**

#### **Terms**

The licence will expire 31 August 2026.

#### **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, as well as the conditions set out in the licence for the undertaking.
2. As an exception to the percentage of Canadian musical selections set out in sections 2.2(8) and 2.2(9) of the *Radio Regulations, 1986* (the Regulations), the licensee shall devote to Canadian selections broadcast in their entirety:
  - a) at least 40% of its musical selections from content category 2 (Popular Music) to Canadian selections in each broadcast week; and
  - b) at least 40% of its musical selections from content category 2 between 6 a.m. and 6 p.m. in any period beginning on Monday of a week and ending on Friday.

For the purposes of this condition, the terms “broadcast week,” “Canadian selection,” “content category” and “musical selection” shall have the same meaning as that set out in the Regulations.

#### **Expectation**

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

#### **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.