



Broadcasting Decision CRTC 2019-245

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

Ottawa, 9 July 2019

Coopérative Radio-Halifax-Métro limitée

Halifax, Nova Scotia

Public record for this application: 2018-1074-7

CKRH-FM Halifax – Licence renewal

*The Commission **renews** the broadcasting licence for the French-language community radio station CKRH-FM Halifax from 1 September 2019 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. Coopérative Radio-Halifax-Métro limitée (Halifax-Métro) filed an application to renew the broadcasting licence for the French-language community radio station CKRH-FM Halifax, Nova Scotia. The Commission did not receive any interventions regarding this application.

Background

2. At the time of CKRH-FM's last licence renewal, in Broadcasting Decision 2013-454, the Commission renewed the station's broadcasting licence for a short-term period due to the licensee's non-compliance with section 9(2) of the *Radio Regulations, 1986* (the Regulations) relating to the filing of annual returns.

Non-compliance

3. Pursuant to section 9(4) of the Regulations, radio station licensees are required to respond to, among other things, at the Commission's request, any request for information regarding its operations or compliance with its regulatory obligations. These obligations include, among other things, filing the undertaking's broadcasting licence renewal application.
4. In the present case, Halifax-Métro failed to respond to Broadcasting Notice of Consultation 2018-196, in which the Commission required the filing of licence renewal applications, by no later than 31 August 2018, for programming undertakings whose broadcasting licences expired on 31 August 2019.

5. Subsequently, Commission staff attempted to reach the licensee by phone (on 26 September and 1 October 2018), by email (on 12 October 2018), and by email and registered mail (on 23 November 2018).
6. In its letter of response following the reception of the registered mail, the licensee indicated that the station went through a transitional period lasting several months during which there were no full-time employees and only a single part-time employee (10 hours per week) responsible for production. The renewal application was finally filed on 13 December 2018.
7. The licensee also claimed to have been the victim of phone hacking in August 2018 and that the involvement of the Royal Canadian Mounted Police had become necessary. It explained that its phone line had been disconnected between September and November 2018, and that during this period of time, the volunteer board of directors had taken over the organization's core operations. These volunteers therefore could not have been aware of the Commission's messages.

Commission's analysis

8. The Commission notes that as soon as Halifax-Métro became aware of Commission staff's letter sent by registered mail, it immediately communicated with Commission staff by telephone to inform it that it had just learned of the situation. Since that time, the licensee has made sure to answer the requests of Commission staff within the prescribed deadlines.
9. Halifax-Métro has also rectified the non-compliance from the previous licence term relating to annual returns, and is fully compliant in this regard in the current licence term. Further, the licensee has hired a permanent employee to ensure that radio operations run smoothly on a daily basis.
10. The Commission also notes Halifax-Métro's efforts to improve the organization's financial stability and to increase the amount of programming produced in its studios, thereby fostering programming variety. Moreover, the station now works more closely with the Halifax community and with organizations and programs that promote bilingualism and the local Francophonie.
11. In light of the above, the Commission finds the licensee in non-compliance with section 9(4) of the Regulations.

Regulatory measures

12. 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.

13. In that information bulletin, the Commission also noted that depending on the nature of the non-compliance and on a case-by-case basis, it may apply measures including a short-term licence renewal, the imposition of conditions of licence or mandatory orders, or the non-renewal, suspension or revocation of the licence.
14. The Commission recognizes that community radio stations generally face an important turnover of staff. However, this is the second consecutive licence term in which the licensee has been in non-compliance.
15. Consequently, the Commission finds it appropriate to renew CKRH-FM's broadcasting licence for a short-term period.

Conclusion

16. In light of the above, the Commission **renews** the broadcasting licence for the French-language community radio programming undertaking CKRH-FM Halifax, Nova Scotia, from 1 September 2019 to 31 August 2024. This short-term licence renewal will allow for an earlier review of the licensee's compliance with regulatory requirements. The licensee shall adhere to the **conditions** set out in Broadcasting Regulatory Policy 2012-304, as well as to the **conditions** set out in the broadcasting licence for the undertaking.

Reminders

17. 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 if the broadcasting certificate issued by the Department of Industry lapses.
18. The licensee must comply at all times with the requirements set out in the Act, the Regulations and its conditions of licence.
19. Licensees must respond to Commission requests for information relating to regulatory, or any other, requirements. Failure to respond to communications from the Commission may lead to non-renewal or the revocation of a licence.

Filing of ownership information

20. As set out in Broadcasting Regulatory Policy 2010-499, the Commission expects all community and campus radio station licensees to file yearly updates on the composition of their boards of directors. The updates can be filed at the same time as annual returns, following elections of boards of directors, or at any other time. As noted in Appendix 3 to that policy, licensees may submit this information through the Commission's website.

Employment equity

21. The Commission considers that campus and community radio stations should be particularly sensitive to employment equity issues in order to fully reflect the

communities they serve. The Commission encourages the licensee to consider these issues in its hiring practices and in all other aspects of its management of human resources.

Secretary General

Related documents

- *Call for licence renewal applications*, Broadcasting Notice of Consultation CRTC 2018-196, 1 June 2018
- *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 2014
- *Campus and community radio programming undertakings – Licence renewals*, Broadcasting Decision CRTC 2013-454, 29 August 2013
- *Standard conditions of licence for campus and community radio stations*, Broadcasting Regulatory Policy CRTC 2012-304, 22 May 2012
- *Campus and community radio policy*, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010

This decision is to be appended to the licence.