



Broadcasting Decision CRTC 2019-299

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

Ottawa, 22 August 2019

Radio MF Charlevoix inc.

Saint-Hilarion, La Malbaie, Baie-Saint-Paul, Petite-Rivière-Saint-François and Saint-Siméon, Quebec

Public record for this application: 2018-0651-4

CIHO-FM Saint-Hilarion and its transmitters – Licence renewal

*The Commission **renews** the broadcasting licence for the French-language community radio station CIHO-FM Saint-Hilarion and its transmitters from 1 September 2019 to 31 August 2023. This short-term renewal will allow for an earlier review of the licensee's compliance with regulatory requirements.*

Application

1. Radio MF Charlevoix inc. filed an application to renew the broadcasting licence for the French-language community radio station CIHO-FM Saint-Hilarion, Quebec, and its transmitters CIHO-FM-1 La Malbaie, CIHO-FM-2 Baie-Saint-Paul, CIHO-FM-3 Petite-Rivière-Saint-François and CIHO-FM-4 Saint-Siméon, which expires 31 August 2019. The Commission did not receive any interventions regarding this application.

Background

2. In Broadcasting Decision 2013-158, the Commission found the licensee in non-compliance with section 9(2) of the *Radio Regulations, 1986* (the Regulations) regarding the filing of annual returns for the 2009-2010 broadcast year.

Non-compliance

3. Section 9(2) of the Regulations requires radio station licensees to file annual returns, including financial statements, with the Commission by 30 November of each year for the broadcast year ending the previous 31 August. The specific filing requirements are detailed in Broadcasting Information Bulletin 2011-795.
4. According to Commission records, the licensee filed its annual returns for the 2014-2015, 2015-2016 and 2016-2017 broadcast years on 23 November 2018, one to three years late.

5. The licensee indicated that these omissions were a result of human error, since the person responsible for the filing of annual returns left his position and did not pass on the information to his successor. In October 2016, the general manager left the organization without informing his replacement of the station's regulatory obligations.
6. To ensure that this situation does not repeat itself, the licensee stated that the obligations associated with the licence, the list of documents to be filed, as well as the accesses required to file these documents have been provided to two persons within the organization and included in the annual calendar of procedures to be followed by the station's general manager and programming director.
7. In light of the above, the Commission finds the licensee in non-compliance with section 9(2) of the Regulations for the 2014-2015, 2015-2016 and 2016-2017 broadcast years.

Regulatory measures

8. 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.
9. The Commission acknowledges the licensee's explanations and the measures put in place to ensure its compliance in the future. Nevertheless, although the Commission renewed the licence for a full licence term in Broadcasting Decision 2013-158, this is the second consecutive licence term in which the licensee has been found in non-compliance with the filing of annual returns. Consequently, the Commission finds it appropriate to renew the licence for a short-term period of four years.
10. The also Commission finds it appropriate to require the licensee to broadcast an on-air announcement regarding its non-compliance three times a day for five consecutive days within the 14-day period immediately following 1 September 2019, the beginning of the new licence term. To confirm compliance with this requirement, the licensee must file with the Commission the audio recordings for the broadcast days during which the announcement was broadcast, as well as a completed and signed *Attestation as to the broadcast of the non-compliance announcement on CIHO-FM Saint-Hilarion*, which can be found in Appendix 2 to this decision, by no later than 14 days following the final broadcast of the announcement. A **condition of licence** to that effect is set out in Appendix 1 to this decision.

Conclusion

11. In light of all of the above, the Commission **renews** the broadcasting licence for the French-language community radio programming undertaking CIHO-FM Saint-Hilarion, Quebec, and its transmitters CIHO-FM-1 La Malbaie, CIHO-FM-2

Baie-Saint-Paul, CIHO-FM-3 Petite-Rivière-Saint-François and CIHO-FM-4 Saint-Siméon from 1 September 2019 to 31 August 2023. This short-term renewal will allow for an earlier review of the licensee's compliance with regulatory requirements. The **conditions of licence** are set out in Appendix 1 to this decision.

Reminders

12. The Commission is charged with the supervision and regulation of the Canadian broadcasting system. Annual returns are key components for the Commission's ongoing monitoring plan and contribute to an authoritative source of statistics on the Canadian broadcasting industry for all stakeholders. In addition, annual returns allow the Commission to effectively assess, supervise and regulate the radio broadcasting industry as a whole. They also allow the Commission to monitor a licensee's performance and compliance with regulatory requirements.
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 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 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. The licensee must comply at all times with the requirements set out in the *Broadcasting Act* (the Act), the Regulations and its conditions of licence.
16. Pursuant to section 22 of 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.

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
- *CIHO-FM Saint-Hilarion and its transmitters – Licence renewal and amendment*, Broadcasting Decision CRTC 2013-158, 27 March 2013
- *Filing annual returns for radio programming undertakings*, Broadcasting Information Bulletin CRTC 2011-795, 20 December 2011

This decision is to be appended to the licence.

Appendix 1 to Broadcasting Decision CRTC 2019-299

Terms, conditions of licence, expectation and encouragement for the French-language community radio programming undertaking CIHO-FM Saint-Hilarion, Quebec, and its transmitters CIHO-FM-1 La Malbaie, CIHO-FM-2 Baie-Saint-Paul, CIHO-FM-3 Petite-Rivière-Saint-François and CIHO-FM-4 Saint-Siméon

Terms

The licence will expire 31 August 2023.

Conditions of licence

1. The licensee shall adhere to the conditions set out in *Standard conditions of licence for campus and community radio stations*, Broadcasting Regulatory Policy CRTC 2012-304, 22 May 2012, as well as to the conditions set out in the broadcasting licence for the undertaking.
2. a) The licensee shall broadcast the following announcement three times a day, distributed in a reasonable manner between 6 a.m. and 10 a.m. or between 4 p.m. and 6 p.m., for five consecutive days, within the 14-day period immediately following 1 September 2019, the beginning of the new licence term:

Radio frequencies are a limited public resource. Holding a broadcasting licence is a privilege, and broadcasters are required to abide by a number of regulations and conditions of licence in order to operate a radio station. In Broadcasting Decision 2019-299, the CRTC determined that this station is in non-compliance with the *Radio Regulations, 1986*. The instances of non-compliance are a recurring issue. CIHO-FM has put measures in place to ensure that the instances of non-compliance in question do not reoccur.

- b) The licensee shall provide to the Commission the audio recordings for the broadcast days during which the announcement was broadcast, and file a completed and signed *Attestation as to the broadcast of the non-compliance announcement on CIHO-FM Saint-Hilarion*, set out in Appendix 2 to *CIHO-FM and its transmitters – Licence renewal*, Broadcasting Decision CRTC 2019-299, 22 August 2019, by no later than 14 days following the final broadcast of the announcement.

Expectation

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. Licensees may submit such documentation via the Commission's website.

Encouragement

The Commission considers that community radio stations should be particularly sensitive to employment equity issues in order to reflect fully the communities they serve. It encourages the licensee to consider these issues in its hiring practices and in all other aspects of its management of human resources.

Appendix 2 to Broadcasting Decision CRTC 2019-299

Attestation as to the broadcast of the non-compliance announcement on CIHO-FM Saint-Hilarion

In regard to the requirements set out in condition of licence 2 in Appendix 1 to *CIHO-FM Saint-Hilarion and its transmitters – Licence renewal*, Broadcasting Decision CRTC 2019-299, 22 August 2019, I, _____ (NAME), on behalf of _____ (LICENSEE), certify that the announcement regarding CIHO-FM Saint-Hilarion's non-compliance with the *Radio Regulations, 1986* was duly broadcast three times a day and distributed in a reasonable manner between 6 a.m. and 10 a.m. or between 4 p.m. and 6 p.m., for five consecutive days within the 14-day period immediately following 1 September 2019, the beginning of the new licence term, as follows:

First date of broadcast:		Time	1:	2:	3:
Second date of broadcast:		Time	1:	2:	3:
Third date of broadcast:		Time	1:	2:	3:
Fourth date of broadcast:		Time	1:	2:	3:
Fifth date of broadcast:		Time	1:	2:	3:

Signature

Date