



## Broadcasting Decision CRTC 2021-67

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Reference: Part 1 licence renewal application posted on 30 October 2020

Ottawa, 17 February 2021

**3885275 Canada Inc.**  
Toronto, Ontario

*Public record for this application: 2019-1128-0*

### **CJSA-FM Toronto – Licence renewal**

*The Commission **renews** the broadcasting licence for the commercial ethnic specialty radio station CJSA-FM Toronto from 1 March 2021 to 31 August 2027.*

#### **Application**

1. The Commission has the authority, pursuant to section 9(1) of the *Broadcasting Act* (the Act), to issue and renew licences for such terms not exceeding seven years and subject to such conditions related to the circumstances of the licensee as it deems appropriate for the implementation of the broadcasting policy set out in section 3(1) of the Act.
2. On 3 June 2019, the Commission issued Broadcasting Notice of Consultation 2019-194, which listed the radio stations for which the broadcasting licences would expire 31 August 2020 and therefore needed to be renewed to continue their operations. In that notice of consultation, the Commission requested that the licensees of those stations submit renewal applications for their broadcasting licences.
3. In response, 3885275 Canada Inc. (3885275 Canada) filed an application to renew the broadcasting licence for the commercial specialty ethnic radio station CJSA-FM Toronto, Ontario, which expires 28 February 2021.<sup>1</sup> The Commission did not receive any interventions in regard to the application.

#### **Non-compliance**

4. Section 10(1)(i) of the Act authorizes the Commission, in furtherance of its objects, to make regulations requiring licensees to submit to the Commission such information regarding their programs and financial affairs or otherwise relating to the conduct and management of their affairs as the regulations may specify.

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<sup>1</sup> The original licence expiry date for the station was 31 August 2020. The licence was administratively renewed from 1 September 2020 to 28 February 2021 as a result of Broadcasting Decision 2020-284.

5. Pursuant to this authority, the Commission made section 9(4)(b) of the *Radio Regulations, 1986* (the Regulations), which requires licensees to respond to any Commission request for information regarding the licensee's adherence to its conditions of licence, the Act, the Regulations, industry standards, practices or codes or any other self-regulatory mechanism of the industry.
6. In Broadcasting Notice of Consultation 2019-194, the Commission requested that the licensees listed in the appendix to the notice submit their renewal applications for broadcasting licences expiring 31 August 2020 by no later than 31 August 2019. According to Commission records, 3885275 Canada filed the renewal application for CJSA-FM on 4 November 2019, more than two months after the required deadline.
7. 3885275 Canada submitted that it was unaware of the 31 August 2019 deadline and that it did not receive correspondence sent by the Commission. Specifically, it indicated that an email was sent by the Commission to two individuals who were no longer employed by 3885275 Canada. The licensee added that, due to technical problems with the station's voicemail system, telephone calls and voicemails were not brought to the attention of management, and no email notifications were sent.
8. To ensure compliance with its regulatory requirements in the future, the licensee indicated that a senior staff member will update its contact details with the Commission and that the voicemail system issues have been resolved. The licensee also submitted that an employee will be tasked with verifying voicemails manually at regular intervals and with reviewing the Commission's website regularly to ensure that no applicable notices or decisions are missed. Finally, it will consult with outside regulatory counsel prior to completing any required filings and contact the Commission 18 months prior to the expiry date of the licence to ascertain the renewal process and timetable.
9. In light of the above, the Commission finds the licensee in non-compliance with section 9(4) of the Regulations.

### **Regulatory measures**

10. 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 number, recurrence and seriousness of the instances of 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.
11. Commission staff made a number of attempts to contact the licensee, by phone and by email. The Commission considers that the reasons provided by the licensee for its failure to respond are unexceptional in nature and do not justify the non-compliance. It is the licensee's responsibility to ensure that the Commission has current contact information on file. Nevertheless, in the Commission's view, the licensee has demonstrated an understanding of its regulatory obligations and has put the necessary

measures in place to ensure the station's compliance with its regulatory requirements going forward. Accordingly, the Commission finds that no further measures are required in regard to the licensee's non-compliance.

## **Conclusion**

12. In light of all of the above, the Commission **renews** the broadcasting licence for the commercial ethnic specialty radio programming undertaking CJSA-FM Toronto, Ontario, from 1 March 2021 to 31 August 2027. The **conditions of licence** are set out in the appendix to this decision.

## **Reminders**

### **Commission requests for information**

13. Licensees are required to provide, upon Commission request, information regarding their adherence to regulatory and other requirements. Failure to respond to the Commission's inquiries could lead to non-renewal of the broadcasting licence or its revocation.

### **Force and effect of broadcasting licences**

14. Pursuant to section 22 of 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.

Secretary General

## **Related documents**

- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2020-284, 21 August 2020
- *Call for licence renewal applications*, Broadcasting Notice of Consultation CRTC 2019-194, 3 June 2019
- *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 2014

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

## **Appendix to Broadcasting Decision CRTC 2021-67**

### **Terms, conditions of licence, expectation and encouragement for the commercial ethnic specialty radio programming undertaking CJSA-FM Toronto, Ontario**

#### **Terms**

The licence will expire 31 August 2027.

#### **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, with the exception of condition of licence 7, as well as to the conditions set out in the broadcasting licence for the undertaking.
2. The station shall be operated within the specialty format as defined in *A review of certain matters concerning radio*, Public Notice CRTC 1995-60, 21 April 1995, and *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2010-819, 5 November 2010.
3. The licensee shall devote a minimum of 90% of the programming broadcast during each broadcast week to ethnic programs, as defined in the *Radio Regulations, 1986*.
4. The licensee shall devote at least 48% of all ethnic programs broadcast during each broadcast week to programs in the Tamil, Hindi and Filipino languages.
5. The licensee shall devote a minimum of 80% of the programming broadcast during each broadcast week to third-language programs, as defined in the *Radio Regulations, 1986*.
6. The licensee shall offer, on a weekly basis, programming directed to a minimum of 16 cultural groups in a minimum of 22 languages.
7. The licensee shall ensure that at least 10% of the musical selections broadcast during ethnic programming periods during each broadcast week are Canadian selections.

#### **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.