



Broadcasting Decision CRTC 2021-88

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

Ottawa, 23 February 2021

Société Radio Taïga

Yellowknife, Northwest Territories

Public record for this application: 2019-0654-6

CIVR-FM Yellowknife – Licence renewal

*The Commission **renews** the broadcasting licence for the French-language community radio station CIVR-FM Yellowknife, Northwest Territories, from 1 March 2021 to 31 August 2025. This short-term renewal will allow for an earlier review of the licensee's compliance with its regulatory requirements.*

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, Société Radio Taïga (Radio Taïga) filed an application to renew the broadcasting licence for the French-language community radio station CIVR-FM Yellowknife, Northwest Territories, which expires 28 February 2021.¹ The Commission did not receive any interventions in regard to this application.

Background

4. In Broadcasting Decision 2013-683, the Commission found Radio Taïga in non-compliance with section 9(2) of the *Radio Regulations, 1986* (the Regulations) relating to the filing of annual returns for the 2010-2011 broadcast year. In light of the

¹ The original licence expiry date for this station was 31 August 2020. The licence was administratively renewed from 1 September 2020 until 28 February 2021 as a result of Broadcasting Decision 2020-284.

licensee's explanation for the non-compliance, and having considered the circumstances surrounding the non-compliance, the Commission renewed the broadcasting licence for the station for a full licence term.

Non-compliance

Annual returns

5. 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.
6. Pursuant to this authority, the Commission made section 9(2) of the Regulations, which requires licensees to file an annual return, including financial statements, by no later than 30 November of a given year for the broadcast year ending the previous 31 August. The specific filing requirements, including the requirement to file financial statements, are set out in Broadcasting Information Bulletin 2011-795.
7. According to Commission records, the station's annual return for the 2015-2016 broadcast year was filed on 14 June 2018, several months after the 30 November 2016 deadline.
8. To this situation, the licensee indicated that in 2016, it experienced high staff turnover within general management, the programming department and its executive board of directors. It added that certain elements of the corporate memory took longer to be fully transferred, which caused delays in the execution of certain tasks.
9. In a letter dated 30 July 2020, Radio Taïga stated that management had revised its working methods to facilitate the preparation of activity reports. It added that it intends to enhance these measures in the short term by completing the production of an administrator's manual to ensure the stability of management operations, regardless of staff turnover.
10. In light of the above, the Commission finds the licensee in non-compliance with section 9(2) of the Regulations for the 2015-2016 broadcast year.

Regulatory measures

11. 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.
12. As set out in Broadcasting Regulatory Policy 2014-554, for stations that are in non-compliance, and depending on the nature of the non-compliance, the Commission

may apply, on a case-by-case basis, measures such as renewing the licence for a short term; imposing additional conditions of licence; calling the licensee to a public hearing to respond to and discuss apparent non-compliance; issuing a mandatory order requiring the licensee to comply with regulatory requirements; or suspending, not renewing, or revoking the licence.

13. In that same regulatory policy, the Commission introduced further measures to address the harm that could be caused to the broadcasting system by non-compliance with regulations and conditions of licence. For serious cases of non-compliance, the Commission found that it would be appropriate to require stations in non-compliance to announce that finding on air, an approach similar to that currently used by the Canadian Broadcast Standards Council.
14. The Commission has examined the public record for this application and notes the licensee's willingness to ensure the station's compliance with its regulatory requirements. The Commission also notes that this is the only finding of non-compliance for the current licence term and that this non-compliance relates to a single broadcast year. The Commission also considers that the licensee has put in place measures that should enable it to ensure the station's compliance in the future and notes that the licensee has filed the required documents with the Commission.
15. Nevertheless, given the seriousness of this non-compliance, and given that this is the second consecutive licence term in which Radio Taïga has been found to be in non-compliance with section 9(2) of the Regulations relating to the filing of annual returns, the Commission finds that it would be appropriate to renew the broadcasting licence for CIVR-FM for a short-term period, which will allow for an earlier review of the licensee's compliance with its regulatory requirements.
16. In addition, in light of the serious and recurring nature of CIVR-FM's non-compliance, the Commission finds that it would be appropriate to require Radio Taïga to broadcast on CIVR-FM an on-air announcement regarding its non-compliance 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 following the issuance of the present decision. 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 and a completed and signed *Attestation as to the broadcast of the non-compliance announcement on CIVR-FM Yellowknife*, which can be found in Appendix 2 to this decision. A **condition of licence** to that effect is set out in Appendix 1 to this decision.

Conclusion

17. In light of all of the above, the Commission **renews** the broadcasting licence for the French-language community radio programming undertaking CIVR-FM Yellowknife, Northwest Territories, from 1 March 2021 to 31 August 2025. The **conditions of licence** are set out in the appendix to this decision.

Reminders

18. 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.
19. 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, or the revocation or non-renewal of the licence pursuant to sections 9 and 24 of the Act.

Force and effect of broadcasting licences

20. 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
- *A targeted policy review of the commercial radio sector*, Broadcasting Regulatory Policy CRTC 2014-554, 28 October 2014
- *CIVR-FM Yellowknife – Licence renewal*, Broadcasting Decision CRTC 2013-683, 12 December 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 2021-88

Terms, conditions of licence, expectations and encouragement for the French-language community radio programming undertaking CIVR-FM Yellowknife, Northwest Territories

Terms

The licence will expire 31 August 2025.

Conditions of licence

1. The licensee shall adhere to the conditions of licence set out in *Standard conditions of licence for campus and community 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 the issuance of *CIVR-FM Yellowknife – Licence renewal*, Broadcasting Decision CRTC 2021-88, 23 February 2021 (Broadcasting Decision 2021-88):

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 2021-88, the CRTC determined that this station is in non-compliance with the *Radio Regulations, 1986*. The instance of non-compliance occurred during the 2015-2016 broadcast year and is a recurring issue. CIVR-FM has put measures in place to ensure that the instances of non-compliances in question do not reoccur.

- b) The licensee shall file with the Commission the audio recordings for the broadcast days during which the announcement was broadcast and a completed and signed *Attestation as to the broadcast of the non-compliance announcement on CIVR-FM Yellowknife*, set out in Appendix 2 to Broadcasting Decision 2021-88, by no later than 14 days following the final broadcast of the announcement.

Expectations

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

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 2021-88

Attestation as to the broadcast of the non-compliance announcement on CIVR-FM Yellowknife

In regard to the requirements set out in condition of licence 2 in Appendix 1 to *CIVR-FM Yellowknife – Licence renewal*, Broadcasting Decision CRTC 2021-88, 23 February 2021, I, _____ (NAME), on behalf of _____ (LICENSEE), certify that the announcement regarding CIVR-FM Yellowknife's non-compliance with the *Radio Regulations, 1986* was duly broadcast three times a day 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 March 2021, the date of the start of the new licence period, as follows:

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

Signature

Date