



Broadcasting Decision CRTC 2023-223

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Reference: Part 1 licence renewal application posted on 15 December 2022

Ottawa, 27 July 2023

DARR FM Radio Ltd.
Saint John, New Brunswick

Public record: 2022-0804-0

CJRP-FM Saint John and its transmitter CJRP-FM-1 Rothesay – Licence renewal

Summary

The Commission **renews** the broadcasting licence for the English-language commercial specialty (Religious music) radio station CJRP-FM Saint John, New Brunswick, and its transmitter CJRP-FM-1 Rothesay, from 1 September 2023 to 31 August 2028. 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 subsections 9(1) and 9.1(1) of the *Broadcasting Act*, to issue and renew licences and to make orders imposing conditions on the carrying on of a broadcasting undertaking that it considers appropriate for the implementation of the broadcasting policy set out in subsection 3(1) of the *Broadcasting Act*.
2. On 10 June 2022, the Commission issued Broadcasting Notice of Consultation 2022-152,¹ which listed radio stations for which the broadcasting licences would expire 31 August 2023 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, DARR FM Radio Ltd. (DARR FM) filed an application to renew the broadcasting licence for the English-language commercial specialty (Religious music) radio station CJRP-FM Saint John, New Brunswick, and its transmitter CJRP-FM-1

¹ As corrected in Broadcasting Notice of Consultation 2022-152-1.

Rothesay, which expires 31 August 2023.² The Commission did not receive any interventions in regard to this application.

Background

4. In Broadcasting Decision 2010-410, the Commission found the licensee to be in non-compliance with requirements relating to Canadian talent development (CTD)³ contributions and with subsection 9(2) of the *Radio Regulations, 1986* (the Regulations), relating to the provision of annual returns.
5. In Broadcasting Decision 2013-647, the Commission found the licensee to be in non-compliance with requirements relating to CTD and Canadian content development (CCD) contributions, and with the station's condition of licence relating to the broadcast of spoken word programming.
6. In Broadcasting Decision 2017-397, the Commission found the licensee to be in non-compliance with sections 2.2(8), 2.2(9), 8(1)(c), 8(2), 8(4) and 9(3)(b) of the Regulations relating to the broadcast of Canadian musical selections, the broadcast of non-classic religious musical selections and the submission of radio monitoring materials, as well as its condition of licence relating to the broadcast of religious musical selections.

Non-compliance

7. Paragraph 10(1)(i) of the old *Broadcasting Act*, which was in effect while the licensee's application was being considered, granted the Commission the authority, 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.
8. Pursuant to this authority, the Commission made subsection 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 and in Circular No. 404.
9. Subsection 49(2) of the *Online Streaming Act*, which made a certain number of amendments to the *Broadcasting Act* when it came into force on 27 April 2023, stipulates that any regulation made pursuant to paragraph 10(1)(i) of the old *Broadcasting Act* is deemed to be an order made under section 9.1 of the new

² The original licence expiry date for the station was 31 August 2021. The broadcasting licence was administratively renewed until 31 August 2022 as a result of Broadcasting Decision 2020-381 and until 31 August 2023 by Broadcasting Decision 2021-297.

³ Now Canadian content development

Broadcasting Act. Accordingly, subsection 9(2) of the Regulations is considered to be a condition of service pursuant to paragraph 9.1(1)(o) of the new *Broadcasting Act*, and licensees continue to be subject to this requirement.

10. According to Commission records, the licensee's annual return for the 2019-2020 broadcast year was filed in January 2022, over one year late, and the financial statements were filed in November 2022, almost two years late. Additionally, the annual return for the 2020-2021 broadcast year was submitted in April 2022, over four months late.
11. In regard to the annual returns for the 2019-2020 and 2020-2021 broadcast years, the licensee stated that it struggled due to COVID-19 measures, which resulted in it having to operate without paid staff and work getting backed up.
12. In regard to the financial statements for the 2019-2020 broadcast year, the licensee stated that, according to its records, the 2019-2020 financial statements were completed 11 August 2021 and would have been submitted prior to fiscal year ending. While the Commission notes the financial statements were submitted, although late, the licensee stated it would resubmit the statements.
13. DARR FM indicated that it has now hired a local station manager. It noted that this position is also responsible for managing volunteers for the station.
14. In light of the above, the Commission finds the licensee in non-compliance with subsection 9(2) of the Regulations for the 2019-2020 and 2020-2021 broadcast years.

Regulatory measures

15. 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.
16. In regard to CJRP-FM and the licensee's non-compliance with subsection 9(2) of the Regulations, the Commission acknowledges the impacts of COVID-19 on the licensee and the steps they have taken to ensure additional oversight over station operations. The Commission further notes that two of the three previous licence terms where instances of non-compliance occurred were when the licensee was under different ownership. However, given that this is the fourth consecutive licence term in which CJRP-FM has been found to be in non-compliance with regulatory requirements, the Commission finds it appropriate to renew the licence for the station for a short-term period. This short-term renewal will allow for an earlier review of the licensee's compliance with the regulatory requirements.

Conclusion

17. In light of all of the above, the Commission **renews** the broadcasting licence for the English-language commercial specialty (Religious music) radio programming undertaking CJRP-FM Saint John, New Brunswick, and its transmitter CJRP-FM-1 Rothesay, from 1 September 2023 to 31 August 2028.
18. Pursuant to subsection 49(1) of the *Online Streaming Act*, the conditions of licence that existed prior to the date of royal assent of that Act are deemed to be conditions imposed under an order made pursuant to section 9.1 of the new *Broadcasting Act*. As such, the conditions of licence for this licensee became conditions of service and continue to apply to the licensee. For ease of reference, the **conditions of service** for this licensee are set out in the appendix to this decision. Further, the formal broadcasting licence document issued to a licensee may set out additional requirements for the undertaking, relating to, for example, technical parameters or prohibitions on transfer. The licensee shall also adhere to any such requirements set out in the broadcasting licence for the undertaking.

Reminders

19. The Commission reminds the licensee that it must comply at all times with the requirements set out in the *Broadcasting Act*, the Regulations, its licence and its conditions of service. Should the licensee continue to be in non-compliance with regulatory requirements, the Commission may consider recourse to additional measures, including the issuance of a mandatory order, or the revocation, non-renewal or suspension of the licence pursuant to sections 9 and 24 of the *Broadcasting Act*.

Annual returns

20. Licensees are responsible for filing complete annual returns on time, including financial statements. 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.

Local news

21. Radio stations are an important daily source of local news and information for communities. Carrying on a broadcasting undertaking comes with conditions, regulatory obligations and responsibilities, which include contributing to the Canadian broadcasting system by ensuring that Canadians have access to local programming that reflects their needs and interests and informs them of important current issues.
22. Although Broadcasting Regulatory Policy 2022-332 does not specify a minimum level of weekly news to be broadcast, it does specify the type of spoken word material that must be included as part of a station's local programming. In accordance with

that regulatory policy, the Commission reminds the licensee that its station, in its local programming, must incorporate spoken word material of direct and particular relevance to the communities served, and that this programming must include local news, weather, sports coverage, and the promotion of local events and activities. In addition, the Commission encourages the licensee to ensure that a reasonable amount of daily local news and information is made available to those communities.

Force and effect of broadcasting licences

23. Pursuant to section 22 of the *Broadcasting Act*, the broadcasting licence renewed in this decision will cease to have any force or effect should the broadcasting certificates issued by the Department of Industry (also known as Innovation, Science and Economic Development Canada) lapse.

Practical guide for radio licence renewals

24. To learn more about the Commission's review of compliance with requirements relating to radio licences, and about the radio renewal process, please consult the Commission's [Practical guide to radio licence renewals](#).

Secretary General

Related documents

- *Revised Commercial Radio Policy*, Broadcasting Regulatory Policy CRTC 2022-332, 7 December 2022
- *Call for licence renewal applications – Submission of renewal applications for broadcasting licences of radio stations expiring on 31 August 2023 – Regular renewal process*, Broadcasting Notice of Consultation CRTC 2022-152, 10 June 2022, as corrected by Broadcasting Notice of Consultation CRTC 2022-152-1, 18 August 2022
- *Various commercial radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2021-297, 30 August 2021
- *Various radio programming undertakings – Administrative renewals*, Broadcasting Decision CRTC 2020-381, 27 November 2020
- *CJRP-FM Saint John and its transmitter CJRP-FM-1 Rothesay – Licence renewal*, Broadcasting Decision CRTC 2017-397, 3 November 2017
- *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 2014
- *CJRP-FM Saint John and CJRP-FM-1 Rothesay – Licence renewal*, Broadcasting Decision CRTC 2013-647, 3 December 2013
- *Filing annual returns for radio programming undertakings*, Broadcasting Information Bulletin CRTC 2011-795, 20 December 2011

- *CJRP-FM Saint John and CJRP-FM-1 Rothesay – Licence renewal, Broadcasting Decision CRTC 2010-410, 29 June 2010*
- *Requirements for the Filing of Financial Statements with the Broadcasting Annual Return, Circular No. 404, 23 August 1994*

This decision is to be appended to the licence.

Appendix to Broadcasting Decision CRTC 2023-223

Terms, conditions of service, expectations and encouragement for the English-language commercial specialty (Religious music) radio programming undertaking CJRP-FM Saint John, New Brunswick and its transmitter CJRP-FM-1 Rothesay

Terms

The licence will expire 31 August 2028.

Conditions of service

1. The licensee shall adhere to the conditions of service set out in *Revised conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2022-334, 7 December 2022. Further, the licensee shall adhere to the requirements set out in the broadcasting licence for the undertaking.
2. The licensee shall adhere to all applicable requirements set out in the *Radio Regulations, 1986* that were made under paragraph 10(1)(a) or under paragraph 10(1)(i) of the old *Broadcasting Act*.⁴
3. The licensee shall operate the station within the Specialty format as defined in *A review of certain matters concerning radio*, Public Notice CRTC 1995-60, 21 April 1995, in conjunction with *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2022-333, 7 December 2022.
4. During each broadcast week, at least 90% of all musical selections shall be drawn from content subcategory 35 (Non-classic religious), as defined in *Revised content categories and subcategories for radio*, Broadcasting Regulatory Policy CRTC 2022-333, 7 December 2022.

Expectations

Cultural diversity

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

Canadian emerging artists

Consistent with the Commission's determination set out in *Revised Commercial Radio Policy*, Broadcasting Regulatory Policy CRTC 2022-332, 7 December 2022 (Broadcasting Regulatory Policy 2022-332), the Commission expects the licensee to

⁴ Pursuant to subsection 49(2) of the *Online Streaming Act*, which made a certain number of amendments to the *Broadcasting Act* when it came into force on 27 April 2023, any regulation made under paragraphs 10(1)(a) or 10(1)(i) of the old *Broadcasting Act* is deemed to be an order made under section 9.1 of the new *Broadcasting Act*.

devote, in each broadcast week, at least 5% of the station's musical selections to selections from Canadian emerging artists broadcast in their entirety. The licensee should report annually on how it has met this expectation, including the percentage of selections from Canadian emerging artists out of the total number of musical selections that were aired, and the number of distinct artists whose music has been aired. The licensee should also be able to provide, upon request, information such as a list of all titles, artists, and International Standard Recording Code (ISRC) numbers.

For the purposes of the above paragraph, the definition of "Canadian emerging artist" is the same as that set out in paragraph 346 of Broadcasting Regulatory Policy 2022-332.

Indigenous musical selections

Consistent with the Commission's determination set out in *Revised Commercial Radio Policy*, Broadcasting Regulatory Policy CRTC 2022-332, 7 December 2022 (Broadcasting Regulatory Policy 2022-332), the Commission expects the licensee to include Indigenous musical selections on the station's playlist. The licensee should report annually on the amount of Indigenous content aired on the station throughout the broadcast year (i.e., from 1 September to 31 August), including the percentage of Indigenous musical selections out of the total number of musical selections that were aired, and the number of distinct artists whose music has been aired. The licensee should also be able to provide, upon request, information such as a list of all titles, artists, and International Standard Recording Code (ISRC) numbers.

For the purposes of the above paragraph, the licensee may use the provisional definition of "Indigenous-Canadian musical selection" set out in paragraph 441 of Broadcasting Regulatory Policy 2022-332 to determine whether a musical selection can be considered an Indigenous musical selection.

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 in its hiring practices and in all other aspects of its management of human resources.