



# Broadcasting Notice of Consultation CRTC 2024-182

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Ottawa, 15 August 2024

*Public record: 1011-NOC2024-0182*

## Notice of hearing

**5 November 2024**

**Gatineau, Quebec**

**Show Cause proceeding - Gill Broadcasting Ltd.**

**Deadline for submission of interventions/comments/answers: 16 September 2024**

[\[Submit an intervention/comment/answer or view related documents\]](#)

The Commission will hold a hearing starting on **5 November 2024 at 10:30 a.m. EST, at the Conference Centre, Phase IV, 140 Promenade du Portage, Gatineau, Quebec.**

[Attend the hearing or listen to it online.](#)

## Preamble

The Commission is responsible for the regulation and supervision of the Canadian broadcasting system, including licensing radio broadcasting undertakings in Canada and ensuring that they broadcast in compliance with their regulatory obligations. This includes their licences, their conditions of service, and any applicable exemption order issued by the Commission under the *Broadcasting Act* (the Act).

Low-power tourist information radio programming undertakings have a limited mandate in the markets they serve. They provide information about traffic and road conditions, weather, transport (for example, flight, ferry, train) schedule information, and local attractions. Because of this, these radio stations were exempt from holding a licence under *Terms and conditions of the exemption order for low-power tourist information related radio programming undertakings*, Broadcasting Order CRTC 2014-447, 29 August 2014 (Broadcasting Order 2014-447). They cannot broadcast non-tourist information, including religious or political programming and cannot broadcast musical selections, except for incidental background music. Their niche purpose and programming limitations ensure that they remain faithful to their nature of service and have no commercial impact.

In *Amendments to exemption orders for various types of radio programming undertakings*, Broadcasting Regulatory Policy CRTC 2018-137, 27 April 2018 (Broadcasting Regulatory Policy 2018-137), the Commission amended the Tourist Information Exemption Order, by adding the following terms and conditions:

- any person seeking to operate an undertaking pursuant to Broadcasting Order 2014-447 must register with the Commission prior to starting operations; and
- any person having been found to have been carrying on a broadcasting undertaking without a licence or without authorization pursuant to an exemption order will be prohibited from having any involvement with the relevant type of undertaking without prior written permission from the Commission.

These conditions are intended to reflect the Commission's concerns that some broadcasters may seek to use an exemption order to avoid the licensing process and launch radio services that would normally require a licence. The Commission emphasized the seriousness of failing to comply with an exemption order in that regulatory policy, which is contrary to the Act. The Commission has previously found exempt radio broadcasting undertakings that were not operating in accordance with the conditions of the applicable exemption orders in *Surrey Myfm inc. and Ravinder Singh Pannu – Issuance of mandatory orders*, Broadcasting Decision CRTC 2016-414, 20 October 2016; *89.3 Surrey City FM Ltd. and Gurpal Singh Garcha – Issuance of mandatory order*, Broadcasting Decision CRTC 2016-419, 20 October 2016; and *Sur Sagar Radio Inc. and Ravinder Singh Pannu – Issuance of mandatory orders*, Broadcasting Decision CRTC 2016-421, 20 October 2016.

**Gill Broadcasting Ltd.  
Winnipeg, Manitoba  
Reference 2021-0774-7**

Gill Broadcasting Ltd. (Gill) operates CKYG-FM in Winnipeg, Manitoba, at 90.5 MHz. The station produces programming for broadcast on the radio, but does not hold a broadcasting licence to carry on a radio programming undertaking as Gill claims to operate it as an exempt low-power tourist information radio station pursuant to Appendix 1 to Broadcasting Regulatory Policy 2018-137. Gill is owned and controlled by Baldev Gill.

The Commission received a complaint on 5 November 2021 by Dufferin Communications Inc., licensee of CKJS-FM, a commercial ethnic FM radio programming undertaking in Winnipeg, stating that CKYG-FM is not operating in compliance with the Tourist Information Exemption Order. As a result, by letters dated 22 December 2021, 2 March 2022 and 18 March 2022, the Commission sought information from Gill regarding its operations and activities to determine compliance with the Exemption Order. In addition, Commission staff evaluated segments of CKYG-FM's programming for the months of January and February 2022, as well as the station's programming for the broadcast week of 7-13 January 2024. The three performance evaluations were sent to Gill to provide the undertaking an opportunity to comment on the results.

Based on the record, including information provided by Gill and the station's performance evaluations carried out by Commission staff, it appears that Gill is operating its tourist information station in non-compliance with the Exemption Order. In particular,

it appears that Gill is in non-compliance with the conditions of exemption set out in paragraphs 4 and 7 of the Exemption Order, which relate to the nature of the programming broadcast.

Given that Gill does not hold a broadcasting licence, it appears that Gill is carrying on a broadcasting undertaking in whole or in part in Canada without a licence and in non-compliance with the Exemption Order, contrary to subsection 31.1(1) of the Act.

Therefore, pursuant to section 12 of the Act, the Commission calls Gill Broadcasting Ltd. and Baldev Gill to a public hearing to inquire into, hear and determine whether the entity is carrying on an undertaking in whole or in part in Canada without a licence or a valid exemption from holding a licence, in contravention of the Act. Furthermore, Gill Broadcasting Ltd. and Baldev Gill will be required to show cause why a mandatory order should not be issued requiring them to cease and desist from operating a broadcasting undertaking in Winnipeg, or elsewhere in Canada, except in compliance with the Act.

Applicant's address:

1020 Selkirk Avenue  
Winnipeg, Manitoba  
L6P 0M7

E-mail: [Gtr68@shaw.ca](mailto:Gtr68@shaw.ca)

E-mail to request electronic version of reference: [gillbroadcasting@gmail.com](mailto:gillbroadcasting@gmail.com)

## Procedure

### Deadline for interventions, comments or answers

**16 September 2024**

The *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure) apply to the present proceeding. The Rules of Procedure set out, among other things, the rules for content, format, filing and service of interventions, answer, replies and requests for information; the procedure for filing confidential information and requesting its disclosure; and the conduct of public hearings. Accordingly, the procedure set out below must be read in conjunction with the Rules of Procedure and related documents, which can be found on the Commission's website under "Statutes and Regulations." *Guidelines on the CRTC Rules of Practice and Procedure*, Broadcasting and Telecom Information Bulletin CRTC 2010-959, 23 December 2010, provides information to help interested persons and parties understand the Rules of Procedure so that they can more effectively participate in Commission proceedings.

For purposes of the Rules of Procedure, Gill Broadcasting Ltd. will be considered as an applicant. Consistent with section 57 of the Rules of Procedure, Gill Broadcasting Ltd. will have until **30 August 2024** to review the documents relied on by the Commission in

its decision to review the matter, and to provide comments and file supporting documents with the Commission.

An intervention as well as an answer from a respondent (that is, a person that is adverse in interest to the applicant) must be received by the Commission on or before **16 September 2024**. Further, a copy of each intervention or answer from a respondent must be sent to the applicant and, in the case of a respondent to an application, to any other respondent, by the same date.

Gill Broadcasting Ltd. may file with the Commission a reply to any interventions or answer from a respondent by **26 September 2024**. A copy of the reply must be served upon the intervener or respondent.

Interventions and answers must clearly indicate whether parties support or oppose the application, or, if they propose changes to it, include the facts and grounds for their proposal.

The intervention or answer must include one of the following statements in either the first or the last paragraph:

- I request to appear at the public hearing.
- I do not want to appear at the public hearing.

If you request to appear, let us know if you would prefer to participate:

- virtually from your home or office; or
- at the main location for the public hearing in Gatineau, Quebec.

Parties who wish to appear at the public hearing must provide reasons why their written intervention is not sufficient and why an appearance is necessary. In addition, parties requiring communications support must state their request for such support on the first page of their intervention. Only those parties whose requests to appear have been granted will be contacted by the Commission and invited to appear at the hearing.

Interested persons are permitted to coordinate, organize, and file, in a single submission, interventions by other interested persons who share their position but do not wish to appear at the hearing. Information on how to file this type of submission, known as a joint supporting intervention, as well as a template for the covering letter to be filed by the parties, can be found in *Changes to certain practices for filing interventions – Expansion of filing practices to include the filing of joint supporting comments for broadcasting policy proceedings*, Broadcasting Information Bulletin CRTC 2010-28-1, 10 December 2010.

The Commission encourages interested persons and parties to monitor the record of the proceeding, available on the Commission's website, for additional information that they may find useful when preparing their submissions.

Submissions longer than five pages should include a summary. Each paragraph of all submissions should be numbered, and the line \*\*\*End of document\*\*\* should follow the last paragraph. This will help the Commission verify that the document has not been damaged during electronic transmission.

Pursuant to *Filing submissions for Commission proceedings in accessible formats*, Broadcasting and Telecom Information Bulletin CRTC 2015-242, 8 June 2015, the Commission expects incorporated entities and associations, and encourages all Canadians, to file submissions for Commission proceedings in accessible formats (for example, text-based file formats that allow text to be enlarged or modified, or read by screen readers). To provide assistance in this regard, the Commission has posted on its website [guidelines](#) for preparing documents in accessible formats.

Submissions must be filed by sending them to the Secretary General of the Commission using **only one** of the following means:

**by completing the**  
[\[Intervention/comment/answer form\]](#)

or

**by mail to**  
CRTC, Ottawa, Ontario K1A 0N2

or

**by fax at**  
819-994-0218

The Commission encourages interested persons who wish to intervene in this proceeding but who do not have access to the Internet to file their interventions by either postal mail or fax.

In accordance with the Rules of Procedure, a document must be received by the Commission and all relevant parties by 5 p.m. Vancouver time (8 p.m. Ottawa time) on the date it is due. Parties are responsible for ensuring the timely delivery of their submissions and will not be notified if their submissions are received after the deadline. Late submissions, including those due to postal delays, will not be considered by the Commission and will not be made part of the public record.

Parties who send documents electronically must ensure that they will be able to prove, upon Commission request, that filing, or where required, service of a particular document was completed. Accordingly, parties must keep proof of the sending and receipt of each

document for 180 days after the date on which the document is filed or served. The Commission advises parties who file or serve documents by electronic means to exercise caution when using email for the service of documents, as it may be difficult to establish that service has occurred.

The Commission will not formally acknowledge submissions. It will, however, fully consider all submissions, which will form part of the public record of the proceeding, provided that the procedure for filing set out above has been followed.

Persons requiring communications support such as assistance listening devices and sign language interpretation are requested to inform the Commission at least 45 days before the commencement of the public hearing so that the necessary arrangements can be made.

### **Important notice**

All information that parties provide as part of this public process, except information designated confidential, whether sent by postal mail, fax, email or through the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca), becomes part of a publicly accessible file and will be posted on the Commission's website. This information includes personal information, such as full names, email addresses, postal/street addresses, and telephone and fax numbers, etc.

The personal information that parties provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.

Documents received electronically or otherwise will be put on the Commission's website in their entirety exactly as received, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.

The information that parties provide to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the web page of this particular public process. As a result, a general search of the Commission's website with the help of either its own search engine or a third-party search engine will not provide access to the information that was provided as part of this public process.

### **Availability of documents**

An electronic version of the record is available on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) by selecting the reference number within this notice. It is also available from the applicant, either on its website or upon request by contacting the applicant at its email address, provided above.

Links to interventions, replies and answers filed for this proceeding, as well as other documents referred to in this notice, are available on the Commission's "[Consultations and hearings: have your say](#)" page.

Documents are available upon request during normal business hours by contacting:

Documentation Centre

[Examinationroom@crtc.gc.ca](mailto:Examinationroom@crtc.gc.ca)

Tel.: 819-997-4389

Fax: 819-994-0218

Client Services

Toll-free telephone: 1-877-249-2782

Toll-free TTY: 1-877-909-2782

Secretary General