



# Broadcasting Decision CRTC 2024-320 and Broadcasting Orders CRTC [2024-321](#) and CRTC [2024-322](#)

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References: 2024-182 and 2024-182-1

Ottawa, 10 December 2024

**Gill Broadcasting Ltd.**  
Winnipeg, Manitoba

*Public record: 1011-NOC2024-0182*  
*Non-appearing hearing in the National Capital Region*  
*5 November 2024*

## **Gill Broadcasting Ltd. – Issuance of mandatory orders**

### **Summary**

The Commission received a complaint from Dufferin Communications Inc. (Dufferin) regarding the content broadcast on CKYG-FM Winnipeg, Manitoba, by Gill Broadcasting Ltd. (Gill). Dufferin alleged that Gill was operating CKYG-FM as an unauthorized commercial ethnic FM radio station rather than as an exempt low-power tourist information radio station, as Gill claimed. In response to this complaint, the Commission called Gill and Baldev Gill, the station's owner, to appear before it to respond to the matter and demonstrate why the Commission should not impose mandatory orders on them.

Prior to the public hearing, Gill and Baldev Gill entered into a Consent Agreement with the Commission. Consistent with the terms of that agreement, the Commission imposes mandatory orders on Gill and Baldev Gill. The orders prohibit them from carrying on a broadcasting undertaking in Canada except in compliance with the *Broadcasting Act*, and require them to obtain prior written permission from the Commission to operate under an Exemption Order in the future or to have any involvement with an undertaking operating under any Exemption Order.

### **Background**

1. On 5 November 2021, the Commission received a complaint from Dufferin Communications Inc. (Dufferin), licensee of the commercial ethnic FM radio station CKJS-FM Winnipeg, Manitoba. Dufferin alleged that Gill Broadcasting Ltd. (Gill) was operating CKYG-FM Winnipeg, Manitoba, as an unauthorized commercial ethnic FM radio station rather than as an exempt low-power tourist information radio station.
2. Gill is owned and controlled by Baldev Gill, who claimed to operate CKYG-FM as an exempt low-power tourist information radio station pursuant to Appendix 1 to Broadcasting Regulatory Policy 2018-137 (Tourist Exemption Order). In accordance with the Tourist

Exemption Order, the station produced programming for broadcast on the radio, but did not hold a broadcasting licence to carry on a radio programming undertaking.

3. As a result of Dufferin's complaint, the Commission sought information<sup>1</sup> from Gill regarding its operations and activities to determine whether it was operating in accordance with the terms of the Tourist Exemption Order.
4. In light of the information received, the Commission noted in Broadcasting Notice of Consultation 2024-182 that Gill appeared to be operating its tourist information station in non-compliance with the Tourist Exemption Order, and, in particular, that Gill was broadcasting programming inconsistent with paragraphs 4 and 7 of the Tourist Exemption Order.<sup>2</sup> Further, the Commission stated that, contrary to subsection 31.1(1) of the *Broadcasting Act* (the Act), Gill appeared to be carrying on a broadcasting undertaking in whole or in part in Canada without a broadcasting licence or a valid exemption from holding a licence.

### **Show cause proceeding**

5. Consequently, in Broadcasting Notice of Consultation 2024-182 (the Notice), the Commission called Gill and Baldev Gill to appear at a public hearing on 5 November 2024 in Gatineau, Quebec, so that it might inquire into, hear, and determine this issue. In the Notice, the Commission noted that Gill and Baldev Gill would 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.
6. On 1 October 2024, the Commission received confirmation from the Department of Industry (also known as Innovation, Science and Economic Development Canada) that broadcasting on CKYG-FM's frequency had ceased.
7. On 17 October 2024, before the public hearing, Gill and Baldev Gill entered into a Consent Agreement with the Commission. This matter was subsequently made a non-appearing item on the agenda of the 5 November 2024 hearing.<sup>3</sup>

### **Regulatory framework**

8. To broadcast in Canada, a broadcasting undertaking, other than an online undertaking, must have a licence or operate pursuant to an exemption. To this end, the Commission has issued various exemption orders, pursuant to subsection 9(4) of the Act, which permit entities to operate broadcasting undertakings without a licence. However, these entities must at all times operate strictly within the terms set out in the exemption order pursuant to which they seek to

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<sup>1</sup> Between November 2021 and July 2024, the Commission sent Gill multiple requests for information and for audio recordings. It also monitored segments of CKYG-FM's programming and sent Gill performance evaluation reports requesting responses.

<sup>2</sup> Paragraph 4 of the Tourist Exemption Order states that programming provided by the undertaking provides the public with information about traffic and road conditions, weather, transport schedules, and local attractions. Paragraph 7 of the Tourist Exemption Order states that the undertaking does not broadcast programming that is religious or political in nature.

<sup>3</sup> See Broadcasting Notice of Consultation 2024-182-1.

operate. Further, it is the responsibility of the operator of the undertaking to ensure it is doing so.

9. Low-power tourist information radio stations have a limited mandate in the markets they serve and are therefore exempted from holding a licence. The purpose of these stations is to provide information about traffic and road conditions, weather, transport schedules (for example, flight, ferry, train), and local attractions. 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.

### **Commission's analysis and decision**

10. In light of the above, pursuant to section 12 of the Act, and consistent with the terms of the Consent Agreement, the Commission imposes mandatory orders on Gill and Baldev Gill. These orders prohibit them from carrying on a broadcasting undertaking in Canada except in compliance with the Act and require them to obtain prior written permission from the Commission to operate under any Exemption Order in the future, or to have any involvement with an undertaking operating under any Exemption Order.
11. The mandatory orders are set out in the appendix to this decision.

Secretary General

### **Related documents**

- *Notice of hearing*, Broadcasting Notice of Consultation CRTC 2024-182, 15 August 2024, as amended by *Notice of hearing*, Broadcasting Notice of Consultation CRTC 2024-182-1, 22 October 2024
- *Amendments to exemption orders for various types of radio programming undertakings*, Broadcasting Regulatory Policy CRTC 2018-137, 27 April 2018

## **Appendix to Broadcasting Decision CRTC 2024-320**

### **Broadcasting Mandatory Order CRTC 2024-321**

#### **Order to not carry on a broadcasting undertaking except in compliance with the *Broadcasting Act***

Gill Broadcasting Ltd. and Baldev Gill, including any entities under either of their effective control, are hereby ordered, pursuant to subsection 12(2) of the *Broadcasting Act* and consistent with the Consent Agreement dated 17 October 2024, to not carry on a broadcasting undertaking in Winnipeg, Manitoba, or elsewhere in Canada, except in compliance with the *Broadcasting Act*.

### **Broadcasting Mandatory Order CRTC 2024-322**

#### **Order to obtain prior written permission from the Commission to operate under any Exemption Order**

Gill Broadcasting Ltd. and Baldev Gill, including any entities under either of their effective control, are hereby ordered to obtain prior written permission from the Commission to operate under any Exemption Order, or to have any involvement with an undertaking operating under any Exemption Order, including but not limited to involvement with the ownership, operation, management, and financing of the undertaking.