



Broadcasting Decision CRTC 2024-336

PDF version

Reference: 2024-172 and 2024-172-1

Ottawa, 19 December 2024

Golden Horseshoe Broadcasting Limited
St. Catharines and Hamilton, Ontario

Public record: 2024-0150-4

*Public hearing in the National Capital Region
8 October 2024*

CKTB, CHTZ-FM, and CHRE-FM St. Catharines, and CKLH-FM Hamilton – Change in ownership and effective control

Summary

The Commission approves an application by Golden Horseshoe Broadcasting Limited (Golden Horseshoe) to change ownership and effective control of the English-language commercial radio programming undertakings CKTB, CHTZ-FM, and CHRE-FM St. Catharines, Ontario as well as CKLH-FM Hamilton, Ontario. Through this transaction, Golden Horseshoe will acquire from Bell Media Inc. the assets necessary to operate these stations.

The Commission finds that approving this transaction is in the public interest, as it will help ensure that the stations continue to serve their communities. The acquired stations will be operated by another commercial licensee who is committed to providing local programming.

The Commission also approves Golden Horseshoe's request for new broadcasting licences to continue the operation of CKTB, CHTZ-FM, and CHRE-FM St. Catharines, as well as CKLH-FM Hamilton.

Application

1. On 2 April 2024, the Commission received an application from Golden Horseshoe Broadcasting Limited (Golden Horseshoe) on behalf of Bell Media Inc. (Bell Media) for authority to acquire from Bell Media the assets of the English-language commercial radio programming undertakings CKTB, CHTZ-FM, and CHRE-FM St. Catharines, Ontario as well as CKLH-FM Hamilton, Ontario. Golden Horseshoe also requested new broadcasting licences to continue the operation of the stations under the same terms and conditions as those currently in effect.

2. At the date of the filing, Golden Horseshoe was owned and controlled by Michael Caine through parent corporations. When Michael Caine passed away on 22 July 2024, his ownership interests were transferred to his Estate.
3. Bell Media is wholly owned by Bell Canada which is a subsidiary of the publicly traded corporation BCE Inc. (BCE). The effective control of BCE is exercised by its board of directors.
4. The purchase price for the assets of the stations is \$22,500,000. Golden Horseshoe proposed a value of the transaction of \$23,036,750, which includes the purchase price and the total value of the leases payable over five years. There are no liabilities being assumed nor working capital transferred at closing. Golden Horseshoe also proposed a tangible benefits package of \$1,382,205, which represents the minimum of 6% of the proposed total value of the transaction.
5. The Commission received four interventions in support of the application, and two comments. The interventions are addressed below.
6. Upon the Commission's receipt of the news regarding the passing of Michael Caine, an amendment was made to Broadcasting Notice of Consultation 2024-172. Broadcasting Notice of Consultation 2024-172-1 reflected Golden Horseshoe's submissions that it was now owned and controlled by the Estate of Michael Caine by way of various subsidiaries. Following this amendment, no further interventions or comments were filed.

Legal framework

7. The review of ownership transactions is an essential element of the Commission's regulatory and supervisory mandate under the *Broadcasting Act*. Obtaining a licence to operate a broadcasting undertaking (in this case, a radio station) is a regulatory privilege granted by the Commission. A licensee does not have the authority to transfer a licence to a new operator as they see fit.
8. For this reason, licensees must obtain the Commission's approval before entering into any action, agreement, or transaction that changes, directly or indirectly, the effective control of the radio station. This requirement is set out in subsection 11(4) of the *Radio Regulations, 1986* (the Regulations).
9. When seeking the Commission's approval, the applicant must demonstrate that the benefits of the transaction are commensurate with the size and nature of the transaction and that the application represents the best possible proposal under the circumstances. The Commission will consider each application on its merits and will approve the transaction if the change in ownership and effective control is in the public interest. The public interest is reflected in the Canadian broadcasting and regulatory policy set out in subsections 3(1) and 5(2) of the *Broadcasting Act*.
10. Under subsection 18(1) of the *Broadcasting Act*, the Commission must conduct a public hearing for the issuance of a broadcasting licence. Broadcasting Information Bulletins

CRTC 2011-222 and CRTC 2008-8-2 outline that the Commission generally reviews applications for asset purchases through public hearings, either appearing or non-appearing. Applications are non-appearing where the Commission is satisfied that the applicant and interested parties had an opportunity to present their views and that the written record is sufficient and further discussion is not necessary.

Issues

11. After examining the record for this application in light of applicable regulations and policies, the Commission addressed the following issues:
 - whether the applicant's ownership structure satisfies the requirements of the *Direction to the CRTC (Ineligibility of Non-Canadians)* (the Direction);¹
 - whether the proposed transaction is in the public interest;
 - the value of the transaction and tangible benefits; and
 - whether the proposed transaction fulfills regulatory requirements.

Canadian ownership and control

12. Pursuant to paragraph 3(1)(a) of the *Broadcasting Act*, the Canadian broadcasting system shall be effectively owned and controlled by Canadians. As required by the Direction, no broadcasting license can be issued to a non-Canadian.
13. Golden Horseshoe is incorporated in Ontario. Its CEO and sole director is Canadian. Golden Horseshoe is owned by the Estate of Michael Caine by way of various subsidiaries. As determined in Broadcasting Decision 2024-335, the effective control of Golden Horseshoe's parent company, Trafalgar Broadcasting Limited, is exercised by Randal Adamkowski and Ross Melvin Anderson, who are the executors of the Estate of Michael Caine. The executors and the beneficiaries of the Estate of Michael Caine are Canadians. As Golden Horseshoe is effectively owned and controlled by Canadians, the proposed transaction satisfies the eligibility criteria set out in the Direction.

Public interest of the proposed transaction

14. When the Commission evaluates whether a transaction is in the public interest, it examines the extent to which the transaction improves the Canadian broadcasting system and contributes to meeting the policy objectives of the *Broadcasting Act*. Section 3 of that Act describes a broadcasting system that contributes to the creation and presentation of Canadian programming, and through its programming reflects the multicultural and multiracial nature of Canadian society. Furthermore, the programming that the broadcasting system provides should be drawn from local and regional sources and should ensure that a diversity of news voices is offered to the public.

¹ SOR/97-192, 8 April 1997.

Position of the applicant

15. Golden Horseshoe noted that Bell Media initiated a sale process for many of its local radio stations when it determined that CKTB, CHTZ-FM, and CHRE-FM St. Catharines, along with CKLH-FM Hamilton were no longer core to its media strategy. Golden Horseshoe was of the view that this transaction would benefit all parties involved, including Canadian radio listeners, as the stations would continue to operate under what Golden Horseshoe considered local ownership. It additionally stated that the transaction is an opportunity to increase its English-language radio presence in Southern Ontario and establish a presence in St. Catharines-Niagara and Hamilton.
16. Further, Golden Horseshoe indicated that the transaction would not have a negative impact on the diversity of voices available in St. Catharines or Hamilton, or the level of competition in either market.

Interventions and reply

17. A comment was received from an individual that requested the Commission reserve an FM frequency in Hamilton for an originating local Canadian Broadcasting Corporation (CBC) Radio One station since the CBC does not currently serve that city with such service. The comment further noted that it is crucial to democracy to have more credible sources of information, such as what the CBC offers.
18. In its comment, the Forum for Research and Policy in Communication (FRPC) expressed concerns about the lack of detailed information in both the application and the notice of consultation on employment, local news, and the Indigenous and racialized members of the communities Golden Horseshoe hopes to serve.
19. The FRPC also expressed its concerns for the lack of clarity in Golden Horseshoe's application on how its operation of several stations in Southern Ontario will serve the specific interests of St. Catharines and Hamilton, particularly with respect to first-run original local news and employment. The FRPC further noted that the Commission should have requested information from the applicant regarding employment, such as its current levels and expected changes due to synergies.
20. In its reply, Golden Horseshoe indicated that it would expand local programming, develop unique programs for each station and hire talent. It added that several key positions in various departments, including Programming, Accounting, Engineering, Traffic and Creative Departments, would be filled through hiring initiatives. Further, with regards to programming, Golden Horseshoe stated it addressed programming questions in response to a request for information.

Commission's analysis

21. The Commission notes that because both Golden Horseshoe and its parent company Trafalgar Broadcasting Limited do not operate stations in St. Catharines or Hamilton, approval of the application would simply substitute one commercial operator for another. Therefore, given the presence of other commercial and non-commercial stations in the

region, the Hamilton and St. Catharines-Niagara markets would continue to be served by a variety of radio stations, and diversity of voices of both regions will not be negatively impacted.

22. With regards to programming, the transaction would not significantly alter the nature and programming of the radio stations. Listeners would continue to receive diverse programming from artists, emerging artists and Indigenous artists given that FM stations are asked to broadcast musical selections from such artists.
23. Golden Horseshoe also plans to add new unique programs and hosts to each station's schedule, slightly increase the hours of local programming, and increase news programming by more than 5 hours a broadcast week on Newstalk CKTB.
24. Golden Horseshoe stated that it would hire employees in various positions for the acquired radio stations. In addition, under the Asset Purchase Agreement, Golden Horseshoe has committed to offer employment to each employee on terms and conditions that are either better than or at least equally favourable to their previous terms and conditions of employment.
25. In regard to the intervening comment that suggests a frequency should be reserved for a local originating CBC station in the Hamilton market, the Commission cannot evaluate a hypothetical scenario given that this was a private transaction rather than an open call for the acquisition of the stations. The Commission's focus is on whether the transaction is in the public interest and consistent with the overall objectives of the *Broadcasting Act*.
26. In light of the above, the Commission finds that the proposed transaction is in the public interest.

Value of the transaction and tangible benefits

27. The Commission ensures that the public interest is served by requiring that the purchasing company make financial contributions to Canadian content development (CCD) that are proportionate to the size and nature of the transaction. These contributions are known as "tangible benefits." The Commission's policy on tangible benefits is set out in Broadcasting Regulatory Policy 2014-459 (Tangible Benefits Policy). Tangible benefits serve the public interest because they increase the quantity and quality of Canadian programming and support the creation, distribution and promotion of such programming. Since the Commission does not solicit competing applications for changes to the ownership or effective control of broadcasting undertakings, the Commission requires that applicants propose tangible benefits when they seek the Commission's approval to change the effective control of radio and television programming services.
28. The amount of tangible benefits payable depends on the value of the transaction. In the case of radio stations, tangible benefits should represent a minimum percentage of 6% of the value of the transaction. The Commission looks at the value of the transaction as a whole, including the value of gross debt, working capital to be transferred at the close of the transaction, ancillary agreements, and any leases assumed by the purchaser for real

property (buildings, studios and offices) and transmission facilities. The value of leases is calculated over a period of five years. These elements, if applicable, are added to the purchase price.

29. Golden Horseshoe proposed a value of the transaction of \$23,036,750. This amount includes the purchase price (\$22,500,000), and the total value of the leases payable over five years (\$536,750). No debt or working capital will be assumed.
30. In light of the above, the Commission finds that the value of the transaction is \$23,036,750, itemized as follows.

Purchase Price	\$22,500,000
Debt	\$0
Assumed leases over five years	\$536,750
Value of the transaction	\$23,036,750

Allocation of tangible benefits

31. As per the Revised Commercial Radio Policy (Broadcasting Regulatory Policy 2022-332), tangible benefits must be paid over seven consecutive broadcasting years and be allocated as follows:
- 3% to Canadian Starmaker Fund and Fonds RadioStar;
 - 60% to Canadian Starmaker Fund and 40% to Fonds RadioStar
 - 1.5% to FACTOR and Musicaction;
 - 60% to FACTOR and 40% to Musicaction
 - 1% at the discretion of the purchaser, to any eligible CCD initiative; and
 - 0.5% to the Community Radio Fund of Canada (CRFC).
32. Golden Horseshoe proposed a tangible benefits package of \$1,382,205, which represents the minimum 6% of the value of the transaction. Golden Horseshoe proposed to allocate the funds in a manner consistent with the Tangible Benefits Policy, including the revised allocation in the Revised Commercial Radio Policy.
33. In addition, Golden Horseshoe stated that it would direct the 1% that is to be allocated to discretionary initiatives to provide scholarships for Canadian students enrolled in journalism, broadcast journalism or music degrees at either Hamilton's McMaster University, Mohawk College, and/or Brock University in St. Catharines.

34. In light of the above, the Commission finds that the proposed tangible benefits package, including the amount and allocation, is appropriate as it is consistent with the Tangible Benefits Policy and Revised Commercial Radio Policy.
35. The amended *Broadcasting Act* now includes express provisions relating to the imposition of expenditure requirements. As a result, tangible benefits must be imposed by order made pursuant to subsection 11.1(2) of the *Broadcasting Act*. Accordingly, the Commission considers it appropriate to order Golden Horseshoe, by condition of service, to allocate \$1,382,205 in tangible benefits paid in equal instalments over seven consecutive broadcast years consistent with the Tangible Benefits Policy and Revised Commercial Radio Policy.

Regulatory requirements

Programming

Position of the applicant

36. Golden Horseshoe stated that it does not plan to make major changes to CKTB, CHTZ-FM, and CHRE-FM St. Catharines as well as CKLH-FM Hamilton's operation or spoken word programming. However, it does intend to increase CKTB St. Catharines's local programming from 82 to 102 hours a week, while maintaining current levels on the other stations.
37. Instead of broadcasting standard formal scheduled newscasts, Golden Horseshoe indicated that it prefers that CHTZ-FM's on-air talent relate material of direct relevance to the community served. CHRE-FM and CKLH-FM have provided a limited amount of news delivered as spoken word content by its on-air talent and Golden Horseshoe does not foresee changes. Further, it argued that Niagara Region² listeners do not tune to local FM stations for in-depth news coverage as there is adequate news coverage offered by CKTB St. Catharines.

Intervention and reply

38. In its intervention, the FRPC indicated that the application was not clear on how the applicant plans to serve the specific interests of the communities of St. Catharines and Hamilton, particularly with respect to first-run original local news.
39. Golden Horseshoe confirmed via a request for information that it intends to maintain the stations' existing local programming. It stated that it has no plans to immediately make significant changes to the stations' operation or spoken word programming and further confirmed that it intends to increase news programming by more than five hours on Newstalk CKTB. Golden Horseshoe proposed an increase to CKTB's local programming from 82 to 102 hours a week, while the other stations would offer similar levels of local programming.

² This region includes listeners in St. Catherines.

Commission's analysis

40. Golden Horseshoe's proposal for local programming represents a slight decrease for CKLH-FM Hamilton and CHRE-FM St. Catharines in overall news³, but an increase in local news since the stations last licence renewal in Broadcasting Decision 2020-407. The proposal for CKBT represents an increase of more than five hours of news output. Golden Horseshoe has not, however, committed to broadcast news on CHTZ-FM St. Catharines as is currently the case.
41. Local programming is important to the broadcasting system, and the Commission expects radio stations to reflect the communities they serve through the programming they broadcast. As an incentive to do local programming, commercial FM radio stations that do not serve a single-station market can only solicit or accept local advertising if they devote at least one-third of their programming (equivalent to 42 hours) to local programming, which can include both spoken word and musical content. A standard condition of service to that effect is set out in the appendix to Broadcasting Regulatory Policy 2022-334.
42. In light of the above, the Commission concludes that the licensee's proposal meets the local programming and news requirements.

Review of previous conditions of service

43. On 27 June 2013, the Commission approved in Broadcasting Decision 2013-310 an application by Astral Media inc. (Astral) for authority to change the effective control of its broadcasting undertakings to BCE Inc., Bell Media's parent company.
44. The Commission acknowledged in that decision that with the acquisition of Astral's services, BCE Inc. would control a significantly large advertising inventory (in both television and radio) and would be able to limit its competitors' access to valuable advertising space. The Commission therefore considered it necessary to ensure the provision of commercially reasonable access to advertising availabilities to unrelated operators on all BCE Inc.-related radio stations.
45. As a result of this decision, CKTB, CHTZ-FM, and CHRE-FM St. Catharines along with CKLH-FM Hamilton are currently subject to a condition of service that is specific to Bell Media and was imposed as a result of the approval of the acquisition of the station from Astral in 2013. Following a request for information, the applicant requested the removal of the following condition of service from the licences of CKTB, CHTZ-FM, and CHRE-FM St. Catharines, as well as CKLH-FM Hamilton:
 17. The licensee shall provide commercially reasonable access to advertising availabilities to unrelated operators of broadcasting undertakings and telecommunications service providers.

³ Local, national and international news.

46. The Commission is of the view that this condition of service is not applicable to or necessary for Golden Horseshoe, as it will not be controlling a significantly larger advertising inventory following this transaction. Therefore, the Commission finds it would not be appropriate to impose this condition of service in respect of CKTB, CHTZ-FM, and CHRE-FM St. Catharines, as well as CKLH-FM Hamilton.
47. Programming broadcast using a Subsidiary Communications Multiplex Operation (SCMO) channel requires the use of a special receiver and is inaccessible with standard radio equipment. CKLH-FM currently has a condition of service allowing it to use a SCMO channel to distribute ethnic programming in German. Golden Horseshoe confirmed in a response to a request for information that it no longer wishes to maintain the condition of service authorizing them to use a SCMO channel to distribute ethnic programming in German.
48. Given that Golden Horseshoe has confirmed in a response to a request for information that the SCMO channel is no longer operational, the Commission is of the view that this condition of service is no longer applicable to CKLH-FM. Therefore, the Commission finds it would not be appropriate to impose this condition of service in respect of CKLH-FM Hamilton.
49. CKTB is subject to another condition of service that could be unnecessary. As Newstalk CKTB previously operated under an Oldies music format, it continues to be subject to the condition of service regarding music composed before 1956. In its application, Golden Horseshoe indicated it would comply with the following condition of service for Newstalk CKTB:
10. The licensee shall, as an exception to the percentage of Canadian musical selections set out in sections 2.2(8) and 2.2(9) of the Regulations:
- (a) in those periods of content category 2 (Popular Music) music consisting exclusively of music composed before 1956, devote a weekly average of 2% or more of its musical selections from content category 2 broadcast during those periods to Canadian selections broadcast in their entirety. The licensee shall identify those broadcast periods and the dates of composition of the music selections broadcast during those periods when requested by the Commission.
- (b) in those periods of category 2 music consisting of 90% or more but not exclusively, of music composed before 1956, devote a weekly average of 10% or more of its musical selections from content category 2 broadcast during those periods to Canadian selections broadcast in their entirety. The licensee shall identify those broadcast periods and the dates of composition of the music selections broadcast during those periods when requested by the Commission.
50. However, Golden Horseshoe also indicated that it does not intend to broadcast music on Newstalk CKTB, which would include pre-1956 music, given its news-talk radio format.

In light of this, the Commission finds this condition of service to be unrelated and that it would not be appropriate to impose it in respect of CKTB.

Conclusion

51. In light of all of the above, the Commission approves the application by Golden Horseshoe Broadcasting Limited for authority to acquire from Bell Media Inc., by way of assets, the English-language commercial radio programming undertakings CKTB, CHTZ-FM, and CHRE-FM St. Catharines, Ontario as well as CKLH-FM Hamilton, Ontario.
52. Golden Horseshoe shall notify the Commission of the close of the transaction, and shall file the final agreement(s) related to the transaction with the Commission within 30 days of the close of the transaction. Upon surrender of the licences currently held by Bell Media, the Commission will issue new broadcasting licences to Golden Horseshoe, which will expire on 31 August 2027.

Conditions of service

53. Given that the applicant proposed to operate the stations largely under the same terms and conditions as those in effect under the current licences, and consistent with the Commission's determinations above regarding conditions of service related to advertising availability, the SCMO channel and pre-1956 music, the Commission makes the following orders consistent with the existing conditions of service.
54. The Commission notes that it updated the standard conditions of service for commercial FM radio stations in Broadcasting Regulatory Policy 2022-334. As a result, the Commission considers it appropriate to require Golden Horseshoe Broadcasting Limited to adhere to these updated standard conditions so that CKTB, CHTZ-FM, and CHRE-FM St. Catharines, as well as CKLH-FM Hamilton's conditions are consistent with those of other AM and FM stations.
55. Further, pursuant to subsection 49(2) of the *Online Streaming Act*, 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*. As a result, the Commission considers it appropriate to require that the licensee adhere to these requirements as conditions of service.
56. Accordingly, under section 9.1(1) of the *Broadcasting Act*, the Commission **orders** Golden Horseshoe Broadcasting Limited, by **condition of service**, to adhere to the standard conditions of service for commercial FM radio stations set out in the appendix to Broadcasting Regulatory Policy 2022-334, as well as to all applicable requirements set out in the Regulations, that were made under paragraphs 10(1)(a) or 10(1)(i) of the old *Broadcasting Act*.
57. Further, pursuant to subsection 11.1(2) of the *Broadcasting Act*, the Commission also **orders** Golden Horseshoe Broadcasting Limited, by **condition of service**, to pay tangible

benefits in the amount of \$1,382,205, to be paid in equal instalments over seven consecutive broadcast years, and file all proof of payment and eligibility regarding these contributions each year, and shall do so in a form deemed acceptable by the Commission pursuant to paragraph 9(2) of the Regulations

58. The Commission notes that the matters set out in the above orders were subject to a public proceeding that provided both the applicant and other interested parties notice of and an opportunity to make representations with respect to the proposed orders. The Commission is satisfied that, in this case, the public proceeding was sufficient to achieve the purposes of the publication and consultation requirement set out in subsections 9.1(4) and 11.1(7) of the *Broadcasting Act*.
59. The terms as well as the specifics of these conditions of service are set out in the appendix to this decision.
60. Finally, the Commission notes that the formal broadcasting licence document issued to a licensee may set out additional requirements for the undertaking, relating to, for example, technical parameters or prohibition on transfer. The licensee shall, therefore, also adhere to any such requirements set out in the broadcasting licence for the undertaking.

Reminders

Force and effect of broadcasting licence

61. Pursuant to section 22 of the *Broadcasting Act*, the broadcasting licence will cease to have any force or effect if the broadcasting certificate issued by the Department of Industry (also known as Innovation, Science and Economic Development Canada) lapses.

National Public Alerting System

62. The Commission has implemented obligations with respect to the broadcast of emergency alerts. For reference, see section 16 of the *Radio Regulations, 1986* as well as Broadcasting Regulatory Policy 2014-444. The licensee must implement the public alerting system for each of its transmitters, and ensure that any alert broadcast decoders (e.g., ENDEC) used for the purposes of broadcasting emergency alert messages are installed and programmed to properly account for the applicable contour (as set out in paragraph 16(2)(b) of the *Radio Regulations, 1986*) of the station as well as that of any rebroadcasting transmitter that may appear on the licence for that station.

Local news reminder for CKTB and CHRE-FM St. Catharines, as well as CKLH-FM Hamilton

63. 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.

64. Although the Revised Commercial Radio Policy 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 stations, in their 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.

Secretary General

Related documents

- *Trafalgar Broadcasting Limited – Change in ownership and effective control*, Broadcasting Decision CRTC 2024-335, 19 December 2024
- *Notice of hearing*, Broadcasting Notice of Consultation CRTC 2024-172, 20 July 2024, as amended by *Notice of hearing*, Broadcasting Notice of Consultation CRTC 2024-172-1, 19 September 2024
- *Revised conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2022-334, 7 December 2022
- *Revised Commercial Radio Policy*, Broadcasting Regulatory Policy CRTC 2022-332, 7 December 2022
- *Various commercial radio stations – Licence renewals*, Broadcasting Decision CRTC 2020-407, 22 December 2020
- *Simplified approach to tangible benefits and determining the value of the transaction*, Broadcasting Regulatory Policy CRTC 2014-459, 5 September 2014
- *Amendments to various regulations, the standard conditions of licence for video-on-demand undertakings and certain exemption orders – Provisions requiring the mandatory distribution of emergency alert messages*, Broadcasting Regulatory Policy CRTC 2014-444 and Broadcasting Orders CRTC 2014-445, 2014-446, 2014-447 and 2014-448, 29 August 2014
- *Astral broadcasting undertakings – Change of effective control*, Broadcasting Decision CRTC 2013-310, 27 June 2013
- *New service objectives for the processing of broadcasting and telecommunications applications as of 1 April 2011*, Broadcasting and Telecom Information Bulletin CRTC 2011-222, 1 April 2011

- *A guide to the CRTC application process for changes in effective control and certain transfers of shares of broadcasting undertakings as well as for the acquisition of assets of broadcasting undertakings – Change in the manner of issuing related information bulletins, Broadcasting Information Bulletin CRTC 2008-8-2, 6 December 2013*

This decision is to be appended to each licence.

Appendix to Broadcasting Decision CRTC 2024-336

Terms, conditions of service and expectations for the commercial English-language radio programming undertakings CKTB, CHRE-FM, CHTZ-FM St. Catharines, as well as CKLH-FM Hamilton, Ontario

Terms

The licences will expire 31 August 2027.

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, as well as to the conditions 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*.
3. In order to fulfill its commitment relating to tangible benefits, the licensee shall expend, in equal payments over seven consecutive years and by no later than **31 August** of each year, a total amount of \$1,382,205, allocated as set out in paragraphs 4 and 48 in *Simplified approach to tangible benefits and determining the value of the transaction*, Broadcasting Regulatory Policy CRTC 2014-459, 5 September 2014 and paragraph 160 in *Revised Commercial Radio Policy*, Broadcasting Regulatory Policy CRTC 2022-332, 7 December 2022.
4. The licensee shall file all proof of payment and eligibility regarding these contributions each year, and shall do so in a form deemed acceptable by the Commission pursuant to paragraph 9(2) of the *Radio Regulations, 1986*.

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 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.

Expectation specific to CHTZ-FM St. Catharines

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.

Although *Revised Commercial Radio Policy*, Broadcasting Regulatory Policy CRTC 2022-332, 7 December 2022 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 expects that the licensee, in its local programming, will 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 expects the licensee to ensure that a reasonable amount of daily local news and information is made available to those communities.

Encouragement

Employment equity

In accordance with *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992, the licensee should consider employment equity in its hiring practices and in all other aspects of its management of human resources. The Commission notes that amendments to the *Broadcasting Act* resulting from the *Online Streaming Act* place greater emphasis on the inclusion of equity-deserving communities and individuals in the broadcasting system. As a result, the Commission may examine the employment equity policy and diversity-related policies in the context of the consultations on inclusion and diversity announced in its [Regulatory plan to modernize Canada's broadcasting framework](#). In the meantime, the Commission encourages the licensee to consider the amendments to the *Broadcasting Act* in furthering its employment equity practices.