



## Broadcasting Decision CRTC 2025-320

PDF version

Reference: Part 1 application posted on 18 October 2024

Gatineau, 28 November 2025

**OUTtv Network Inc.**  
Across Canada

*Public record: 2024-0538-1*

### **OUTtv – Application for amendments to its distribution order**

#### **Summary**

OUTtv Network Inc. (OUTtv Network) is an independent programming undertaking that operates the national, English-language discretionary service OUTtv, which serves 2SLGBTQI+ communities in Canada.

In Broadcasting Order 2022-224, in recognition of the important role OUTtv plays in the broadcasting system and its contributions to diversity in programming, the Commission required licensed television service providers to offer OUTtv to their subscribers in English-language markets from 1 March 2023 to 31 August 2026. This is known as a must-offer status and was granted to OUTtv on an exceptional basis.

In October 2024, the Commission received an application from OUTtv Network to amend OUTtv's must-offer status to further improve its distribution.

The Commission acknowledges the importance of independent services to the broadcasting system, and the challenges many of them face, including OUTtv Network, in securing distribution agreements with large television service providers.

The Commission is addressing some of these challenges through other proceedings as part of its work to modernize Canada's broadcasting framework, including the proceeding on working towards a sustainable broadcasting system. As part of that proceeding, the Commission is reviewing, amongst other things, the distribution of independent services. This broader policy framework will help ensure the sustainability and growth of Canada's broadcasting system.

As the public proceeding on working towards a sustainable broadcasting system is ongoing, the Commission finds that considering granting a mandatory distribution would be premature, and accordingly, the Commission denies the current application. Once the new framework is established, independent services and services of exceptional importance will have greater clarity regarding the support available to them and can submit applications as needed.

## Background

1. OUTtv Network Inc. (OUTtv Network) is an independent programming undertaking that operates the national, English-language discretionary service OUTtv, which serves 2SLGBTQI+<sup>1</sup> communities in Canada.
2. In Broadcasting Decision 2022-223, the Commission recognized the important role that OUTtv plays in the broadcasting system, as well as its contributions to diversity in programming. It added that as the only service in Canada that targets and reflects the diverse 2SLGBTQI+ communities, OUTtv serves the needs and interests of these communities and contributes to raising greater awareness and understanding by all Canadians. In light of this, in Broadcasting Order 2022-224, the Commission required licensed broadcasting distribution undertakings (BDUs) to offer OUTtv to their subscribers in English-language markets from 1 March 2023 to 31 August 2026. This is known as a must-offer status and was granted to OUTtv on an exceptional basis.

## Application

3. On 15 October 2024, the Commission received an application from OUTtv Network to amend OUTtv's current distribution order and associated conditions of service, set out in Broadcasting Order 2022-224, to further improve its distribution. OUTtv Network cited the difficulties it has encountered in securing distribution agreements with many of Canada's largest BDUs, despite the must-offer status granted by the Commission.
4. In its application, OUTtv Network proposed two distribution options:
  - where OUTtv Network can negotiate a wholesale rate it deems fair and reasonable, BDUs would be required to distribute OUTtv in a discretionary package with the highest penetration; or
  - where OUTtv Network cannot negotiate a wholesale rate it deems fair and reasonable, BDUs with more than 2,000 subscribers would be required to distribute OUTtv as part of the digital basic service in English-language markets at a monthly wholesale rate of \$0.12 per subscriber.
5. OUTtv Network also indicated that, should the Commission deny its proposed distribution model set out above, it would accept standard mandatory distribution status without the possibility to negotiate discretionary distribution consistent with how the Commission has generally imposed distribution orders pursuant to paragraph 9.1(1)(h) of the *Broadcasting Act* (the Act).

---

<sup>1</sup> The Government of Canada uses the acronym 2SLGBTQI+ to refer to Two-Spirited, Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, Intersex, and additional people who identify as part of sexually- and gender-diverse communities.

## Interventions

6. The Commission received interventions in support of the application, including from individuals, advocacy groups, individuals in the creative industries, production companies, as well as interventions in opposition from BDUs.<sup>2</sup>

## Regulatory Framework

7. To ensure Canadians have access to a wide variety of programming, the Commission currently has several regulatory tools in place, such as mandatory distribution pursuant to paragraph 9.1(1)(h) of the Act.
8. The Commission may use paragraph 9.1(1)(h) of the Act to require BDUs to carry specific programming services on the terms and conditions it deems appropriate, in line with the policy set out in subsection 3(1) of that Act. When considering mandatory distribution, the Commission makes assessments based on criteria in Broadcasting Regulatory Policy 2010-629 and issues distribution orders accordingly. Traditionally, mandatory distribution has been used to ensure access to and support for programming of exceptional importance.
9. In paragraph 11 of Broadcasting Regulatory Policy 2010-629, the Commission established the following criteria for mandatory distribution:
  - a) the programming of its service makes an exceptional contribution to Canadian expression and reflects Canadian attitudes, opinions, ideas, values and artistic creativity;
  - b) the service contributes, in an exceptional manner, to the overall objectives for the digital basic service;
  - c) the service is making exceptional commitments to original, first-run Canadian programming in terms of exhibition and expenditures;
  - d) there is extraordinary need among the intended audience for the proposed service;
  - e) the service's business plan and implementation of its specific commitments are dependent on receipt of broad national distribution on the digital basic service;
  - f) the applicant has demonstrated the likely impact of the proposed wholesale rate on the price of the basic package to consumers, as well as its widespread acceptability to Canadians; and
  - g) the proposed timeframe during which the service should have exceptional status is supported by evidence.

---

<sup>2</sup> The BDUs that submitted interventions were Rogers Communications Inc.; Bell Media Inc.; TELUS Communications Inc.; Cogeco Media Inc.; Quebecor Media Inc.; Canadian Cable Systems Alliance Inc.; and Bragg Communications Incorporated, carrying on business as Eastlink.

## Commission's decision

10. The Commission acknowledges the importance of independent services to the broadcasting system and the challenges many of them face, particularly in securing distribution agreements with large BDUs.
11. The Commission is addressing some of these challenges through other proceedings as part of its work to modernize Canada's broadcasting framework, including the proceeding on working towards a sustainable broadcasting system.<sup>3</sup> As part of this proceeding, the Commission is reviewing, amongst other things, the distribution of independent services. This broader policy framework will help ensure the sustainability and growth of Canada's broadcasting system.
12. As the above-noted public proceeding is ongoing, the Commission finds that considering granting mandatory distribution would be premature. Once the new framework is established, independent services and services of exceptional importance will have greater clarity regarding the support available to them and can submit applications as needed.

## Conclusion

13. In light of all of the above, the Commission denies the application from OUTtv Network to amend its distribution order and associated conditions of service for its national, English-language discretionary service OUTtv.
14. OUTtv's current distribution order, set out in Broadcasting Order 2022-224, along with the expectation and encouragement, remain in effect until 31 August 2026. Consistent with that order, the Commission expects BDUs to include OUTtv in pre-assembled or thematic packages, consistent with its theme, programming and language and with the highest penetration rates. It also encourages BDUs to treat OUTtv fairly and to avoid imposing punitive or retaliatory measures, imposing unreasonable rates, significantly altering the packaging or otherwise substantially reducing the wholesale payment for the service.
15. Where parties are unable to reach agreements with BDUs regarding the packaging and rates for the distribution of their services, they are encouraged to avail themselves of the Commission's various dispute resolution mechanisms, including staff-assisted mediation and final offer arbitration.<sup>4</sup>

Secretary General

---

<sup>3</sup> See Broadcasting Notice of Consultation 2025-2.

<sup>4</sup> Final offer arbitration is an alternative dispute resolution tool reserved exclusively for disputes that are monetary, and results in a binding decision. Both parties to the dispute submit offers to the Commission, and a Commission panel acts as arbitrator and chooses between the final offers. In rare cases, the panel may determine that neither offer is in the public interest and reject both.

## Related documents

- *The Path Forward – Working towards a sustainable Canadian broadcasting system*, Broadcasting Notice of Consultation CRTC 2025-2, 9 January 2025, as amended by Broadcasting Notices of Consultation CRTC 2025-2-1, 24 March 2025; 2025-2-2, 31 March 2025; 2025-2-3, 23 July 2025; and 2025-2-4, 1 August 2025
- *OUTtv – Licence renewal, and granting of must-offer status in English-language markets*, Broadcasting Decision CRTC 2022-223 and Broadcasting Order CRTC 2022-224, 18 August 2022
- *Criteria for assessing applications for mandatory distribution on the digital basic service*, Broadcasting Regulatory Policy CRTC 2010-629, 27 August 2010