



## Broadcasting Decision CRTC 2026-6

PDF version

Gatineau, 9 January 2026

**1101651 B.C. Ltd.**  
Vancouver, British Columbia

*Public record: 2025-0115-5*

### **CJRJ Vancouver – Change in ownership and effective control**

#### **Summary**

The Commission approves an application by 1101651 B.C. Ltd. (1101651) on behalf of I.T. Productions Ltd. (I.T. Productions) for authority to change the ownership and effective control of the ethnic commercial radio programming undertaking operating the radio station CJRJ Vancouver, British Columbia. Through this transaction, 1101651 will acquire Shusma Datt's shares of I.T. Productions. At the close of the transaction, Kulwant Singh Dhesi will exercise effective control of the station.

The licensee will continue to operate the station under the licence for the undertaking subject to the transaction, which will expire on 31 August 2027. This licensee will also be subject to the terms set out in Appendix 1 of this decision.

The Commission finds that approving this transaction is in the public interest, as it will help ensure that the station continues to provide local programming to the community of Vancouver.

In addition, the Commission proposes to make the orders set out in Appendix 2 to this decision imposing on the licensee conditions and expenditure requirements. Consistent with subsections 9.1(4) and 11.1(7) of the *Broadcasting Act*, interested persons may make representations only on the proposed orders by no later than **19 January 2026**. The licensee may submit a reply to any representations received by no later than **26 January 2026**.

A concurring opinion by Commissioner Bram Abramson is attached to this decision.

#### **Application**

1. On 6 May 2025, the Commission received an application from 1101651 B.C. Ltd. (1101651), on behalf of I.T. Productions Ltd. (I.T. Productions) for authority to change the ownership and effective control of the ethnic commercial radio programming undertaking operating the radio station CJRJ Vancouver, British Columbia
2. 1101651 is wholly owned and controlled by Kulwant Singh Dhesi.

3. Through this transaction, 1101651 will acquire Shusma Datt's shares of I.T. Productions. As a result, 1101651 will own all outstanding shares of I.T. Productions and CJRJ will be effectively controlled by Kulwant Singh Dhési.
4. 1101651 initially proposed a value of the transaction of \$2,729,200. 1101651 also requested an exception for the payment of tangible benefits.

### **Regulatory framework**

5. Pursuant to subsection 5(1) of the *Broadcasting Act* (the Act), the Commission regulates and supervises the Canadian broadcasting system with a view to implementing the broadcasting policy set out in subsection 3(1) of the Act. To that end, subsection 11(4) of the *Radio Regulations, 1986* (the Regulations) requires prior Commission approval for changes to the effective control of radio undertakings. 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 the 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 Act.

### **Issues**

6. After examining the record for this application in light of applicable regulations and policies, the Commission considers that it must address the following issues:
  - the appropriate route for the Commission to review the application;
  - whether the applicant's ownership structure satisfies the requirements for Canadian ownership and control;
  - whether the proposed transaction is in the public interest;
  - the value of the transaction and tangible benefits;
  - the allocation of tangible benefits; and
  - whether the proposed transaction fulfills the regulatory requirements.

### **Appropriate route for review**

7. According to the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure*<sup>1</sup> and Broadcasting Information Bulletin 2008-8-2, share transfer applications are reviewed using the administrative route where the value of the transaction, as determined by the Commission, is less than \$15,000,000 per radio station and the application

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<sup>1</sup> SOR/2010-277, 8 April 2021.

does not raise any concerns with respect to Commission policies or regulations, including conditions of service.

8. The value of the transaction (discussed below) is less than \$15,000,000 per station and while the applicant did raise certain exceptions to the Tangible Benefits policy, the Commission, through this decision, addresses concerns with respect to its policies and regulations, including conditions of service. In light of the above, the Commission is satisfied that the application meets the criteria to be reviewed using the administrative route.

### **Canadian ownership and control**

9. Pursuant to paragraph 3(1)(a) of the Act, the Canadian broadcasting system shall be effectively owned and controlled by Canadians. As required by the *Direction to the CRTC (Ineligibility of Non-Canadians)*<sup>2</sup> (the Direction), no broadcasting licence can be issued to a non-Canadian.
10. 1101651 and I.T. Productions are Canadian corporations that will be wholly owned and effectively controlled by Kulwant Singh Dhesi, a Canadian. Kulwant Singh Dhesi will also be the Chief Executive Officer and sole director of both corporations. As such, the proposed transaction satisfies the eligibility criteria set out in the Direction.

### **Public interest of the proposed transaction**

11. 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 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 system provides should be drawn from local and regional sources and should ensure that a diversity of news voices is offered to the public.
12. The applicant characterized I.T. Productions as a small independent player in the ethnic commercial radio market in the Greater Vancouver Area. It stated that CJRJ provides a valued source of programming for the South Asian community, broadcasting in 17 different languages and serving 11 distinct cultural groups.
13. 1101651 noted that CJRJ has been suffering financial losses from previous years, and that Kulwant Singh Dhesi has previously provided financial support to I.T. Productions. It further added that Kulwant Singh Dhesi is committed to ensuring that CJRJ provides programming that helps the community stay informed about issues of local, regional and national importance.
14. The applicant also stated that the transaction serves the public interest by providing the local South Asian community with balanced and relevant programming. It noted that the station serves multiple linguistic communities and ethnocultural groups, providing them

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<sup>2</sup> SOR/97-192, 8 April 1997.

with programming that entertains and supports their need to connect with others who share their cultural heritage.

15. The Commission is of the view that approving this transaction would allow CJRJ to remain financially sustainable. Kulwant Singh Dhese has the financial capacity to invest in the station, and, through his experience with I.T. Productions, understands the challenges of operating a station like CJRJ.
16. Moreover, CJRJ would remain owned by an independent broadcaster. Kulwant Singh Dhese has committed to ensuring that the station's programming continues to reflect the local cultural and ethnically relevant programming to South Asian communities in Vancouver. This will allow CJRJ to continue serving as a platform for cultural expression and community engagement, thereby maintaining the diversity of voices in the market.
17. Finally, the Commission notes that the transaction would generate tangible benefits (discussed further in the sections below). As a result, different funds, programs, and various initiatives will receive funding, which would benefit Canadian artists, the radio sector, and the broadcasting system.
18. In light of the above, the Commission finds that approval of this transaction is in the public interest.

#### **Value of the transaction and tangible benefits**

19. The Commission's approach is that the public interest is served by requiring that the person or the qualified corporation acquiring the shares and effective control 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 the Tangible Benefits Policy.<sup>3</sup> 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.
20. The amount of tangible benefits payable depends on the value of the transaction. In the case of radio stations, tangible benefits represent at a minimum 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.

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<sup>3</sup> See Broadcasting Regulatory Policy 2014-459.

21. 1011651 initially proposed a value of the transaction of \$2,729,200. This amount includes the purchase price (\$2,500,000) and the value of the assumed leases for the transmitter tower (\$229,200). No working capital would be transferred at closing.
22. Since 1011651 will operate the station from its own premises and will not assume the lease for I.T. Productions' current studio, the Commission finds that it is appropriate not to include the value of the leases of the current premises in the value of the transaction.
23. However, the Commission notes that I.T. Productions has long-term debt of \$39,926 in its financial statement. In response to a request for information, 1011651 agreed that this amount should be included in the value of the transaction.
24. In light of the above, the Commission finds that the revised value of the transaction is \$2,769,126, calculated as follows:

Purchase Price	\$2,500,000
Debt	\$39,926
Value for the assumed leases over five years for the transmitter tower	\$229,200
<b>Value of the transaction</b>	<b>\$2,769,126</b>

#### **Allocation of tangible benefits**

25. As per the Revised Commercial Radio Policy<sup>4</sup>, tangible benefits amounts are to be paid over seven consecutive broadcasting years and be allocated as follows:
  - 3% to the 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% to any eligible CCD initiative at the discretion of the purchaser; and
  - 0.5% to the Community Radio Fund of Canada.
26. As per the Tangible Benefits Policy, the applicant can request an exception to the payment of tangible benefits. If an exception is requested, the exception must be made at the time of filing the application and should meet all of the following criteria:

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<sup>4</sup> Broadcasting Regulatory Policy 2022-332.

- the undertaking to be acquired is not in its first licence term;
- the undertaking has suffered significant financial losses over an extended period of time (that is, for at least five consecutive years following the first licence term); and
- the purchaser demonstrates that there is a public interest either for the broadcasting system as a whole or the community served in maintaining a failing undertaking.

27. The Tangible Benefits Policy also states that the Commission may use its discretion at all times and that an exception will not necessarily be granted even if the criteria are met.

#### **Position of the applicant**

28. 1011651 requested an exception for the payment of tangible benefits, noting that CJRJ has been in operation for nearly two decades, and the station has sustained significant financial losses for at least five consecutive years.
29. 1011651 noted that the transaction serves the public interest of the broadcasting system by allowing CJRJ to not only maintain its services, but to see the station flourish. It stated that CJRJ provides multiple local ethnic communities with balanced and culturally relevant programming, with a unique mix of music and spoken word programming.
30. While 1011651 maintained that it meets the Commission's established criteria for an exception, it confirmed that it would accept a condition of service requiring the payment of tangible benefits up to 6% of the value of the transaction.

#### **Commission's decision**

31. When making a request for an exception to paying tangible benefits, the applicant is responsible to demonstrate that its application meets all three criteria set out at paragraph 61 of the Tangible Benefits Policy. Even if the criteria are met, the policy does not restrict the Commission's discretion to impose tangible benefits if other circumstances justify it.
32. The Commission notes that the station has been in operation since 2006, so the first criterion has been met.
33. With regard to the second criterion, the Commission notes that the station accumulated significant losses over the last five years, and reported at least five consecutive years of losses following the first licence term. As a result, the Commission concludes that second criterion has also been met.
34. With regard to the third criterion, the Commission considers that the applicant has demonstrated that there is a public interest either for the broadcasting system as a whole or the community served in maintaining the station, but does not consider the applicant's rationale has been sufficiently justified. In this regard, the Commission acknowledges the importance and value provided by CJRJ's programming in its market and agrees that approval of the transaction may improve the likelihood of CJRJ achieving viability. It also acknowledges that the purchaser, in pursuing this transaction, would take on a certain level

of risk by acquiring an undertaking that is struggling financially, especially since the AM market poses operational challenges.

35. However, the Commission notes that the purchaser is acquiring the radio station because they are of the view that the station has the potential to become financially sustainable. The Vancouver market is substantial and further efficiencies with the applicant's other businesses could create a viable station with sustainable profits.
36. Further, the Commission notes that 1011651 did not propose to increase the level of local programming or news on CJRJ, nor have they proposed any other benefits to compensate for the loss of tangible benefit contributions that would otherwise be invested in the Canadian broadcasting system. Moreover, while maintaining the current programming on CJRJ is important, the market is already served by several broadcasters, including three others that primarily serve the South Asian community.
37. Finally, the Commission notes that the tangible benefits amount to \$166,148, to be paid over seven consecutive broadcast years. The applicant did not demonstrate that such payment would jeopardize its ability to bring the station into profitability. Further, the Commission notes that 1011651 confirmed its willingness to pay tangible benefits, should the Commission determine that such payment is warranted.
38. When reviewing requests for an exception to the allocation of tangible benefits, the Commission must balance the needs of communities served and other players in the broadcasting system. Tangible benefits represent a critical and significant source of funding for the Canadian broadcasting system. The Commission is of the view that approving the requested exception to the payment of tangible benefits could be detrimental to the beneficiaries of the independent funds as it would deprive the Canadian broadcasting system of important contributions that would not only benefit other players in the broadcasting system, but also the communities that CJRJ serves. As a result of these circumstances and the fact that exceptions to the payment of tangible benefits should only be granted in exceptional cases, the Commission has determined to exercise its discretion and impose tangible benefits in accordance with the Tangible Benefits Policy.
39. In light of the above, the Commission finds that, based on the revised value of the transaction, I.T. Productions should be required to allocate \$166,148 in tangible benefits, which is consistent with the Tangible Benefits Policy and Revised Commercial Radio Policy.
40. The modernized Act now includes express provisions relating to the imposition of expenditure requirements. As a result, tangible benefits are imposed by order made pursuant to subsection 11.1(2) of the Act. Accordingly, the Commission considers it appropriate to **order** I.T. Productions Ltd. to allocate \$166,148 in tangible benefits, to be paid in equal instalments over seven consecutive broadcast years, consistent with the Tangible Benefits Policy and Revised Commercial Radio Policy.

41. Further, the Commission considers it appropriate to **order** I.T. Productions Ltd. to report, as part of its Annual Return required under section 9(2) of the Regulations, on its progress in making these payments.

## **Regulatory requirements**

### **Compliance with terms and conditions of service**

42. Upon close of the transaction, I.T. Productions would remain the licensee of CJRJ. I.T. Productions would therefore remain responsible for any compliance issues for the duration of the licence term.

43. In Broadcasting Decision 2023-257, the Commission renewed the licence of I.T. Productions until 31 July 2027. This short-term renewal was to allow for an earlier review of the licensee's compliance with its regulatory requirements.

44. The Commission notes that it will assess I.T. Productions' compliance with their regulatory obligations at their next licence renewal.

### **Licence term**

45. As no new licence is to be issued following the transaction, the Commission considers it appropriate to maintain the current licence term for CJRJ.<sup>5</sup>

## **Conclusion**

46. In light of all of the above, the Commission approves the application from 1011651, on behalf of I.T. Productions for authority to change the ownership and effective control of the ethnic commercial radio programming undertaking operating the radio station CJRJ Vancouver, British Columbia.

47. The licensee will also be subject to the terms and **conditions of service, and the order requiring a tangible benefits expenditure**, set out in the appendices of this decision.

48. The Commission **directs** I.T. Productions Ltd. to notify the Commission of the close of the transaction within 30 days following the closing.

49. This decision is to be appended to the licence.

## **The proposed orders**

50. Pursuant to subsection 11.1(2) of the Act, the Commission **proposes to order** I.T. Productions Ltd. to pay tangible benefits in the amount of \$166,148 to be paid in equal

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<sup>5</sup> In Broadcasting Regulatory Policy 2025-265, the Commission announced that going forward, it will grant licences for an indefinite term for most radio broadcasting undertakings requiring a licence. The licensee may be eligible for an indeterminate licence term upon its next renewal.

instalments over seven consecutive broadcast years and allocated in a manner consistent with the Tangible Benefits Policy and the Revised Commercial Radio Policy.

51. In addition, pursuant to subsection 9.1(1) of the Act, the Commission **proposes to order** I.T. Productions Ltd. to file all proof of payment and eligibility regarding these contributions each year in a form deemed acceptable by the Commission consistent with subsection 9(2) of the Regulations.
52. Finally, pursuant to subsection 9.1(1) of the Act, the Commission **proposes to order** I.T. Productions Ltd. to comply with the requirements related to the implementation of the National Public Alerting System, as set out in section 16 of the Regulations, and in Broadcasting Regulatory Policy 2014-444, and Broadcasting Orders 2014-445, 2014-446, 2014-447 and 2014-448.
53. Consistent with subsections 9.1(4) and 11.1(7) of the Act, interested persons may make representations only on the proposed orders, set out in Appendix 2 of this decision, by no later than **19 January 2026**. The licensee may submit a reply to any representations received by no later than **26 January 2026**.
54. Interested persons who wish to make representations on the proposed orders may do so on the Commission's [public proceedings webpage](#).

## Reminders

### Force and effect of broadcasting licences

55. Pursuant to section 22 of the 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.

### Local news

56. 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.
57. 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 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.

## National Public Alerting System

58. The Commission has implemented obligations in respect of the broadcast of emergency alerts. For reference, see section 16 of the Regulations 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 Regulations) of the stations as well as that of any rebroadcasting transmitter that may appear on the licence for those stations.

## Employment equity

59. In accordance with Public Notice 1992-59, the licensee should consider employment equity in its hiring practices and in all other aspects of its management of human resources.

60. The amendments to the *Broadcasting Act* resulting from the *Online Streaming Act* place greater emphasis on the inclusion of Indigenous persons, Canadians from Black or other racialized communities, and Canadians of diverse ethnocultural backgrounds, socio-economic status, abilities and disabilities, sexual orientations, gender identities and expressions, and ages, in the Canadian broadcasting system. The Commission has announced consultations on diversity and inclusion announced in its [Regulatory plan to modernize Canada's broadcasting framework](#). In the meantime, the Commission expects the licensee to reflect this emphasis in its operational decisions.

Secretary General

## Related documents

- *Modernization of radio processes*, Broadcasting Regulatory Policy CRTC 2025-265, 10 October 2025
- *CJRJ Vancouver – Licence renewal*, Broadcasting Decision CRTC 2023-257, 16 August 2023
- *Revised Commercial Radio Policy*, Broadcasting Regulatory Policy CRTC 2022-332, 7 December 2022
- *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
- *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

- *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992

# **Appendix 1 to Broadcasting Decision CRTC 2026-6**

## **Terms and expectations for the ethnic commercial radio programming undertaking CJRJ Vancouver, British Columbia**

### **Terms**

The licence will expire 31 August 2027.

### **Expectations**

#### **Diversity**

The *Broadcasting Act* places significant emphasis on the inclusion and reflection of Indigenous persons, Canadians from Black or other racialized communities, and Canadians of diverse ethnocultural backgrounds, socio-economic status, abilities and disabilities, sexual orientations, gender identities and expressions, and ages, in the Canadian broadcasting system. The Commission expects the licensee to take concrete measures to ensure it contributes to this inclusion and reflection in both 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.

## Appendix 2 to Broadcasting Decision CRTC 2026-6

### Proposed orders imposing conditions and expenditure requirements on the licensee of the ethnic commercial radio programming undertaking CJRJ Vancouver, British Columbia

The Commission proposes to make orders imposing the following conditions and expenditure requirements on I.T. Productions Ltd. in respect of the ethnic commercial radio programming undertaking CJRJ Vancouver, British Columbia pursuant to subsections 9.1(1) and 11.1(2) of the *Broadcasting Act*.

#### Continuing conditions of service

1. The licensee shall adhere to the conditions set out in the appendix to *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 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*.
3. In each broadcast week, the licensee shall direct programming to at least 11 cultural groups in at least 17 different languages.
4. In each broadcast week, the licensee shall devote all of its programming to ethnic programs, and at least 95% of its programming to third-language programs, as defined in the *Radio Regulations, 1986*.
5. The licensee shall ensure that at least 73% of the ethnic programs broadcast in each broadcast week are in the Hindustani and Punjabi languages.
6. The licensee shall not devote any of the programming it broadcasts to programming in a Chinese language.
7. The licensee is exempt from the provisions of section 15 of the *Radio Regulations, 1986*.

#### Proposed conditions of service

8. In order to fulfill its commitment relating to tangible benefits, the licensee shall expend, in equal payments over seven consecutive broadcast years and by no later than **31 August** of each year, a total amount of \$166,148, allocated as set out at paragraphs 4 and 48 of *Simplified approach to tangible benefits and determining the value of the transaction*, Broadcasting Regulatory Policy CRTC 2014-459, 5 September 2014 and at paragraph 160 of *Revised Commercial Radio Policy*, Broadcasting Regulatory Policy CRTC 2022-332, 7 December 2022.

The licensee shall file all proof of payment and eligibility regarding these contributions each year in a form deemed acceptable by the Commission consistent with subsection 9(2) of the *Radio Regulations, 1986*.

9. The licensee shall implement the National Public Alerting System in the manner set out in section 16 of the *Radio Regulations, 1986*, and in *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.

## Concurring opinion of Commissioner Bram Abramson

1. This transaction injects new ownership and, I hope, renewed sustainability into a third-language AM radio station that has served the Vancouver area for many years, first as Spice Radio, now as Swift Radio. The Broadcasting Committee<sup>1</sup> is unanimous, with my concurrence, in supporting this change of ownership and control and in directing a tangible benefits package. That outcome is consistent with the Commission's long-standing approach to commercial radio transfers: permitting private ordering in the absence of a competitive process but requiring tangible benefits representing at least 6% of the transaction value.<sup>2</sup>
2. The Broadcasting Committee is also unanimous in denying the applicant an exception to the tangible benefits package. But while I agree with this result, including holding the exception request up against the Tangible Benefits Policy's three-part test,<sup>3</sup> I write separately because I disagree with how the third, and fuzziest, criterion of that test was applied ("*a public interest[,]* either for the broadcasting system as a whole[,] or [*for*] the community served in maintaining the failing undertaking").
3. The majority finds that although CJRJ has, many years after its start-up term, continued to sustain significant financial losses for at least the last five consecutive years, the benefits exception test's public-interest criterion is not satisfied for two sets of reasons:
  - a) *Financial viability*: The purchaser has a view that the station could become financially sustainable. Vancouver's large market size and efficiencies with the applicant's other businesses render that view plausible.<sup>4</sup> The purchaser has not shown that the burden of tangible benefits would jeopardize the realization of that view.<sup>5</sup>
  - b) *No compensating measure*: The purchaser does not propose to increase local programming, increase news, or otherwise "compensate" for the absence of tangible benefits.<sup>6</sup>
4. The first set of reasons relating to financial viability are, with respect, partly tautological. Investors in a commercial station can be assumed, subject to contrary evidence, to believe

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<sup>1</sup> On behalf of the Commission. See *Broadcasting Committee*, By-Law No. 26 (CRTC), paragraph (e) ("any act or thing done by the Broadcasting Committee shall be deemed to be an act or thing done by the Commission"). This delegating by-law, pursuant to paragraph 11(1)(b) and subsection 12(3) of the *Canadian Radio-television and Telecommunications Commission Act*, provides for duties to be delegated to standing committees by by-law. Such delegation is distinguished from other forms of delegation, like the assignment of particular cases and of panels to those cases as described in the *Broadcasting Act*.

<sup>2</sup> Broadcasting Information Bulletin 2008-8-2; Broadcasting Regulatory Policy 2014-459.

<sup>3</sup> Broadcasting Regulatory Policy 2014-459, paragraph 61.

<sup>4</sup> Majority decision, paragraph 35.

<sup>5</sup> Majority decision, paragraph 37. While this reason is presented separately, in my view it is inextricably bound up with that presented at paragraph 35. I have therefore presented these as one set of reasons.

<sup>6</sup> Majority decision, paragraph 36.

the investment may become profitable. Nor is it clear how an applicant could credibly show that tangible benefits alone would render a station unsustainable. Showing that 6% of transaction value was the determinative margin between sustainability and failure would require an implausible level of precision as to future events.

5. The second set of reasons relating to compensating measures seems likewise inappropriate to me. The entire question underlying a tangible benefits exception is whether, in a failing business, every cost counts, and every opportunity to invest in the business to that end is itself of benefit to the broadcasting system. Requiring that foregone tangible benefits payments be compensated by equal offsetting expenditures, however laudable, only begs that very question.<sup>7</sup>
6. In my respectful view, the majority's reasons on this point are therefore over-broad and do not provide the guidance parties to this decision and future applicants reasonably look to our decisions to provide. I arrive at the same conclusion as the majority, but on narrower reasoning.
7. With respect to financial viability, the majority includes in its consideration the facts that the station operates in a major Canadian market (Vancouver) and may enjoy synergies with other operations of the purchasers. The proposition that profitability is more straightforward to sustain in a major market, or where the purchaser brings new operational synergies to the analysis, or both, such that either circumstance ought to diminish the likelihood of an exception, is both reasonable and consistent with past decisions on this point.<sup>8</sup> Particularly where the transaction value supports these indications of renewed sustainability, a decreased likelihood of meeting the benefits exception's public-interest step is appropriate.
8. With respect to compensating measures, I find it inappropriate to make a tangible benefits exception available for failing stations, only to then fault the very station that has cleared the test's first and second hurdles (which determine whether the station is failing) for not redirecting equivalent funds to initiatives that may not enhance sustainability. However, the Commission has, in the past, achieved a similar result by granting an exception where the purchaser committed to concrete investment to strengthen the station's operations and improve its prospects for long-term viability in ways aligned with local broadcasting.
9. For instance, in Broadcasting Decision 2018-12, Byrnes Communications Inc. (Byrnes) successfully argued that

the public interest would be better served if, instead of paying tangible benefits, it could invest in the stations. Specifically, the applicant stated that it would improve the music library, train personnel, hire new personnel and improve the infrastructure. The applicant stated that it may purchase a new transmitter to cover the authorized contours fully. In addition, as the only radio operator who would have a local presence in Niagara Falls and Fort Erie, Byrnes stated that it would develop local

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<sup>7</sup> See, similarly, Broadcasting Decisions 2022-330, 2025-203, and 2025-273.

<sup>8</sup> See, e.g., Broadcasting Decisions 2017-260, 2020-389, 2021-140, 2021-216, and 2022-330.

programming specifically targeted to these communities, similar to what it has done in Woodstock.<sup>9</sup>

10. Byrnes' argument advanced two related rationales: improved station management and enhanced local presence. But it seems to me that the first alone might have sufficed. Its approach provides a helpful model for failing stations seeking to satisfy the benefits exception's public-interest step. The applicant did not do so.
11. By writing separately and emphasizing these reasons—market size, newfound synergies, and transaction value in the first instance; clearly-identified station investments shoring up both sustainability and local operations in the second—I do not mean to suggest that other bases for meeting the benefits exception's public-interest criterion do not exist. For instance, in the past the Commission has also attended to whether keeping the station on-air does or does not add to the diversity of local voices. In all cases, however, the applicant ought to articulate its reasons clearly, and the Commission ought to apply that criterion of our test with discipline, focus, and coherence. That the applicant did not do so is why I concur with the majority's opinion. That the majority opinion, in my view and with respect, did not do so is why I write separately.

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<sup>9</sup> Paragraph 11.