



## Broadcasting Decision CRTC 2019-281

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Reference: Part 1 licence renewal application posted on 28 February 2019

Ottawa, 8 August 2019

### **Ottawa Media Inc.**

Ottawa/Gatineau, Ontario/Quebec

*Public record for this application: 2018-0416-2*

### **CJWL-FM Ottawa/Gatineau – Licence renewal**

*The Commission **renews** the broadcasting licence for the English-language commercial radio station CJWL-FM Ottawa/Gatineau from 1 September 2019 to 31 August 2025. This short-term renewal will allow for an earlier review of the licensee's compliance with regulatory requirements.*

#### **Application**

1. Ottawa Media Inc. (Ottawa Media) filed an application to renew the broadcasting licence for its English-language commercial radio station CJWL-FM Ottawa/Gatineau, Ontario/Quebec, which expires 31 August 2019. The Commission did not receive any interventions regarding this application.

#### **Non-compliance**

##### **Filing of annual returns**

2. Section 9(2) of the *Radio Regulations, 1986* (the Regulations) requires radio station licensees to file annual returns, including financial statements, with the Commission by 30 November of each year for the broadcast year ending the previous 31 August. The specific filing requirements are detailed in Broadcasting Information Bulletin 2011-795.
3. According to Commission records, although the annual return for CJWL-FM for the 2015-2016 broadcast year was filed on time, the financial statement that was to be included in that annual return was filed late, almost four months after the 30 November deadline.
4. Ottawa Media stated that the delay in filing the financial statement for the 2015-2016 broadcast year was due to personnel turnover in the station's financial department, and submitted that the incident was an anomaly given that prior to this single broadcast year, it had an excellent record of reporting on time.

5. In light of the above, the Commission finds the licensee in non-compliance with section 9(2) of the Regulations for the 2015-2016 broadcast year.

### **Regulatory measures**

6. The Commission's approach to non-compliance by radio stations is set out in Broadcasting Information Bulletin 2014-608. Under that approach, each instance of non-compliance is evaluated in its context and in light of factors such as the quantity, recurrence and seriousness of the non-compliance. The circumstances leading to the non-compliance, the arguments provided by the licensee and the actions taken to rectify the situation are also considered.
7. The Commission also specified in that information bulletin that it may apply certain measures on a case-by-case basis depending on the nature of the non-compliance, including the imposition of conditions of licence or mandatory orders, short-term licence renewal or the non-renewal, suspension or revocation of the licence.
8. The Commission considers that the above-noted case of non-compliance is an anomaly, and that the licensee has a history of filing complete annual returns on time. Nevertheless, the Commission finds that it would be appropriate to renew the broadcasting licence for CJWL-FM for a short-term period. This short-term renewal will allow for an earlier review of the licensee's compliance with regulatory requirements.

### **Conclusion**

9. In light of the above, the Commission **renews** the broadcasting licence for the English-language commercial radio programming undertaking CJWL-FM Ottawa/Gatineau from 1 September 2019 to 31 August 2025. The **conditions of licence** are set out in the appendix to this decision.

### **Reminders**

10. The licensee must comply at all times with the requirements set out in the *Broadcasting Act* (the Act), the Regulations and its conditions of licence.
11. The Commission is charged with the supervision and regulation of the Canadian broadcasting system. Annual returns are key components for the Commission's ongoing monitoring plan and contribute to an authoritative source of statistics on the Canadian broadcasting industry for all stakeholders. In addition, annual returns allow the Commission to effectively assess, supervise and regulate the radio broadcasting industry as a whole. They also allow the Commission to monitor a licensee's performance and compliance with regulatory requirements.
12. Licensees are responsible for filing complete annual returns on time, including the financial statements. In addition, as set out in Broadcasting Information Bulletin 2011-795, it is the licensee's responsibility to ensure that all appropriate forms and

documentation are included with its annual returns, and to contact the Commission if further clarification is required.

13. Pursuant to section 22 of the Act, the broadcasting licence renewed in this decision will cease to have any force or effect should the broadcasting certificate issued by the Department of Industry lapse.

Secretary General

### **Related documents**

- *Update on the Commission's approach to non-compliance by radio stations*, Broadcasting Information Bulletin CRTC 2014-608, 21 November 2014
- *Filing annual returns for radio programming undertakings*, Broadcasting Information Bulletin CRTC 2011-795, 20 December 2011

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

## **Appendix to Broadcasting Decision CRTC 2019-281**

### **Terms, conditions of licence, expectation and encouragement for the English-language commercial radio programming undertaking CJWL-FM Ottawa/Gatineau, Ontario/Quebec**

#### **Terms**

The licence will expire 31 August 2025.

#### **Conditions of licence**

1. The licensee shall adhere to the conditions set out in *Conditions of licence for commercial AM and FM radio stations*, Broadcasting Regulatory Policy CRTC 2009-62, 11 February 2009, as well as to the conditions set out in the broadcasting licence for the undertaking.
2. As an exception to the percentage of Canadian musical selections set out in section 2.2(8) of the *Radio Regulations, 1986* (the Regulations), the licensee shall devote at least 40% of its musical selections from content category 2 (Popular Music) in each broadcast week to Canadian selections broadcast in their entirety.

For the purposes of this condition, the terms “broadcast week,” “Canadian selection,” “content category” and “musical selection” shall have the same meanings as those set out in the Regulations.

#### **Expectation**

The Commission expects the licensee to reflect the cultural diversity of Canada in its programming and employment practices.

#### **Encouragement**

In accordance with *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992, the Commission encourages the licensee to consider employment equity issues in its hiring practices and in all other aspects of its management of human resources.