



**COVID-19 EMERGENCY
RELIEF FUNDS –
AUDIOVISUAL ALLOCATION
CRITERIA**

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1. GENERAL INFORMATION

Interpretation, Application, Disclaimer, and other Important Information

These Criteria for the Emergency Relief Funds are for the information and convenience of Applicants (as defined in section 3.1). They provide an overview of the objectives of the Emergency Relief Funds, eligibility to receive the Audiovisual Allocation of the Emergency Relief Funds and information on administrative practices. Compliance with these Criteria is a prerequisite to eligibility for the Audiovisual Allocation of the Emergency Relief Funds.

The CMF has full discretion in the application of these Criteria, to ensure funds are provided to those Applicants that meet the objectives established by the Government of Canada. In all questions of interpretation of these Criteria, the CMF interpretation shall prevail.

All Applicants must abide by the applicable business, administrative and reporting requirements established by the CMF in the distribution of the Audiovisual Allocation of the Emergency Relief Funds.

Please note: These Criteria may be changed or modified as required, without notice. Please consult the CMF website at www.cmf-fmc.ca for the latest Emergency Support Funds news and documentation.

Provision of Documentation

It is the responsibility of the Applicant to ensure that the CMF receives all relevant documentation and to update such documentation and information after a material change. The CMF may request other documentation and information to conduct an assessment and evaluation of the Applicant and, once assessed, to complete CMF file reviews.

Failure to Comply

If an Applicant fails to comply with these Criteria, as determined by the CMF, then the CMF may refuse the application, revoke the eligibility status of the Applicant and may demand repayment of any sums paid to the Applicant.

Misrepresentation

If, at any time, an Applicant, as required by the Criteria or as requested by the CMF, provides false information or omits material information in connection with an application, the Applicant may suffer serious consequences. These may include, among other outcomes:

- Loss of eligibility for funding
- Repayment of any funds already advanced, with interest
- Criminal prosecution, in the case of fraud

These measures may be imposed not only on the Applicant but also on related, associated and affiliated companies and individuals (as determined by the CMF at its sole discretion). Any Applicant receiving approval for funding will be required to sign a legally enforceable agreement, which includes further provisions concerning misrepresentations, defaults, and related matters.

2. COVID-19 EMERGENCY RELIEF FUNDS – AUDIOVISUAL ALLOCATION CRITERIA

2.1 INTRODUCTION

On April 17, 2020, the Government of Canada announced it would provide \$500M to Canada’s cultural and sporting sectors in a bid to help artists, athletes and their organizations during the COVID-19 pandemic (“**Heritage Emergency Relief Funds**”).

On July 7, 2020, the Government of Canada announced the final components of Phase 2 of the Heritage Emergency Relief Funds which includes \$12M for audiovisual producers making Canadian film and television¹ content that did not receive Phase 1 Heritage Emergency Relief Funds (“**Audiovisual Allocation**”).

On September 16, 2020, the Government of Canada confirmed that an additional \$7M would be provided to the Audiovisual Allocation, bringing its total budget to \$19M.

For clarity, while the Audiovisual Allocation is open to both television and film producers, the Canada Media Fund will be responsible for administering this Program.

Please go [HERE](#) on the Canada.ca website for more detailed information on the Government of Canada’s announcement.

The Criteria below outline the parameters for how the Audiovisual Allocation will be distributed including relevant eligibility criteria and the responsibilities and requirements for each Applicant.

In the event that a large number of Applicants apply for funding through the Audiovisual Allocation, the CMF may distribute funds to eligible Applicants on a proportional (pro-rated) basis or elect to distribute funding in some other equitable manner, to be determined in the CMF’s sole discretion.

¹Including some projects made available on eligible online services, per section 3.1 below.

3. ELIGIBILITY FOR FUNDING

3.1 ELIGIBLE APPLICANTS

An Applicant for the Audiovisual Allocation must meet – **and can affirm and attest**² –to the following eligibility criteria:

- is a Canadian-controlled (as determined under sections 26 to 28 of the *Investment Canada Act*) active parent corporation (including all of the corporation’s affiliates, subsidiaries and Related Parties³);
- is a for-profit (i.e. a taxable Canadian corporation, within the meaning of Canada’s *Income Tax Act*) film or television production company;
- has its head office in Canada and carries out its activities in Canada;
- is not insolvent or bankrupt, or in the course of the reorganization of its business within the meaning of the *Bankruptcy and Insolvency Act* (Canada);
- has not received any previous Heritage Emergency Relief Funds (as defined above in section 2.1)⁴ from the Government of Canada including, but not limited to, the CMF Allocation or the Telefilm Allocation that were available between May 20 and June 12, 2020. Further, if an Applicant *subsequently* receives other Heritage Emergency Relief Funds, it will notify the CMF;
- it is not receiving funding from other Government of Canada COVID-19 response initiatives (e.g., Canada Emergency Response Benefit, Canada Emergency Wage Subsidy, Canada Emergency Business Account, Canada Emergency Commercial Rent Assistance for Small Businesses) (“**General Emergency Relief Funds**”) to cover the same costs as those applied for through the Audiovisual Allocation. Further, if an Applicant *subsequently* receives General Emergency Relief Funds, it will not use that funding to cover the same costs as those applied for through the Audiovisual Allocation;
- the Applicant:
 - has applied for the Part A Certificate under the Canadian Film or Video Production Tax Credit Program (“**CPTC**”) for at least one film or television⁵ project no earlier than April 1, 2017 and for which a Part A certificate has been issued by the Canadian Audio-Visual Certification Office no later than September 15, 2020 (“**Eligible Project**”); and
 - will confirm the gross production value⁶ related to the Eligible Project(s).

For clarity, if an Applicant has applied for the Part A Certificate under the CPTC with multiple Eligible Projects they would affirm and attest to the **cumulative** gross production value related to the Eligible Projects.

- it has been negatively impacted by COVID-19, which has resulted in financial hardship and is therefore in need of Emergency Relief Funds to ensure a continuity of operations and to safeguard jobs;
- it can demonstrate a projected negative financial impact of at least 25% of its activities;
- it remains in operation at the time of application and plans to continue contributing to its sector in the future;

²Along with their application, Eligible Applicants will need to submit a signed attestation.

³ Related Parties exist when one party has the ability to exercise, directly or indirectly, control, joint control or significant influence over the other. Two or more parties are related when they are subject to common control, joint control or common significant influence. In any question of interpretation, this term will be defined in accordance with the *CMF’s Accounting and Reporting Requirements*,

⁴For clarity, “Heritage Emergency Relief Funds” (as defined in section 2.1) are distinct from other Government of Canada COVID-19 response initiatives (e.g., Canada Emergency Response Benefit, Canada Emergency Wage Subsidy, Canada Emergency Business Account, Canada Emergency Commercial Rent Assistance for Small Businesses) (“**General Emergency Relief Funds**”).

⁵Including those projects eligible for the CPTC that are made available on eligible online services.

⁶“Gross Production Value” will be determined by the most recent budget certified by CAVCO.

- it will maintain its Canadian-controlled status for at least 12-months following receipt of any funds in the Audiovisual Allocation;
- where relevant, funds will be used to support workers such as the self-employed and freelance workers, artists, and creators; and
- it will use the money according to the objectives of the Government of Canada and the spirit and intent of these Criteria.

For clarity, Eligible Applicants may only apply once to the Audiovisual Allocation.

4. FUNDING

4.1 NATURE OF FUNDING CONTRIBUTION

The Audiovisual Allocation will be in the form of a non-repayable contribution.

4.2 AMOUNT OF FUNDING CONTRIBUTION

Once the Audiovisual Allocation deadline has closed, the CMF will evaluate and assess Applicants' submitted information and distribute between \$5,000 and \$100,000⁷ to each Eligible Applicant through a formula-based approach using the following factors:

- the gross production value connected to the Eligible Applicant's Eligible Project(s);
- the total gross production value declared by all the Eligible Applicants; and
- the number of other Eligible Applicants who apply to the Audiovisual Allocation.

4.2.1 Eligible Costs

Audiovisual Allocation amounts are to be used by Applicants exclusively for costs related to business continuity, operations and safeguarding jobs.

While Applicants will still be eligible for the Audiovisual Allocation if they received General Emergency Relief Funds (as defined in section 3.1 and including the Canada Emergency Wage Subsidy, Temporary 10% Wage Subsidy and the Canada Emergency Business Account, amongst others) they will be prohibited from using funding from General Emergency Relief Funds and the Audiovisual Allocation on the same expenses.

⁷ Regarding the minimum and maximum contributions of the formula:

- in the event that an Eligible Applicant qualifies for a contribution of less than the minimum amount (\$5,000), the Eligible Applicant will not receive a contribution;
- in the event of oversubscription, the maximum amount (\$100,000) distributed to Eligible Applicants may be lower.

5. APPLICATION PROCESS

5.1 HOW TO APPLY

All new Applicants must create an account in Dialogue before applying. For any questions, please consult the Dialogue Guide: <https://telefilm.ca/wp-content/uploads/userguidehowtonavigatedialoguefinaldraft.pdf>.

All Applicants must apply online using [Dialogue](#).

Applicants must submit the appropriate application form, duly completed and signed, together with all required documentation, including the Applicant attestation form, via Dialogue.

In order to help assess prospective eligibility to the Audiovisual Allocation, Applicants will need to authorize the Canadian Audio-Visual Certification Office to share, discuss and disclose any and all information and documentation related to Applicants' Eligible Projects (as defined in section 3.1) with the CMF and Telefilm Canada.

Documents required at the time an application is submitted is available on the Emergency Relief Funds – Audiovisual Allocation page on the CMF's website. All subsequent documentation must be submitted online through Dialogue. If you have technical difficulties, please contact Services@telefilm.ca.