
APPENDIX TO
CHEK-TV re a News Report (Dispute between Landlord and Tenant) (CBSC
Decision 03/04- 0712, October 14, 2004)

I. The Complaint

The following complaint was sent to the CBSC on February 6, 2004:

My name is P.G., I am a landlord for a rooming house. I had an issue with a tenant and the tenant called the TV station CH Vancouver Island. The news reporter Kim Emerson came and talked to the tenant to get his side of the story. He then came to my work and wanted to talk to me. I told him that I would tell him my side of the story, but I did not want to be put on the air. I own and run [an automobile] repair station at [...]. I did not want to be on the air because it could affect my business. I told him many times not to put me on the air. I told my side of the story (which Kim did not fully relay in the broadcast). I found out after the fact that the camera man had the camera on while Kim was talking to me. They also put my face on the air! Even in the broadcast Kim stated that I did not want to be on the air. I feel that my rights have been violated and I want something done about it. The story ran Thursday February the Fifth at 5PM, 6PM, and again at 11:30 PM. If you need to contact me you can call me at [...].

II. The Broadcaster's Response

The broadcaster responded to the complainant on March 10:

Dear Mr. G.,

I have reviewed the story from February 5th that is the subject of your letter of complaint to the Canadian Broadcast Standards Council. As a member of that organization, CH News is committed to addressing your concerns. It is a responsibility we take seriously, especially when the complaint alleges that we may have infringed on your privacy and failed to "fully relay" your side of the story.

Our entire news team strives to uphold the highest level of journalistic integrity and ethics at all times. Our staff members are educated to make decisions thoughtfully and with sensitivity and to produce, material in accordance with community standards and with the Canadian Association of Broadcasters' (CAB) Code of Ethics, Sex-Role Portrayal Code for Television and Radio Programming, and the Voluntary Code Regarding Violence in Television Programming. Global News also adheres to the Radio Television News Directors Association of Canada (RTNDA) Code of Ethics.

Let me clarify that our aim is always to present stories that are factual and balanced. Our job becomes more challenging when one of the main participants in the story does not agree to be interviewed on-camera. In this case, you did not want to be interviewed because you thought connection to this story could harm your automotive repair business - even though our reporter offered to interview you away from your workplace. When you refused, our reporter did his best to respect your privacy wishes by not using your name or showing anything that identified your business, which of course was unrelated to the landlord/tenant dispute we were reporting on. But he felt it was necessary to use the brief videotape that had

already been gathered of you telling your side of the story in order to ensure the story presented was as balanced as possible.

Nothing that was recorded was said in private. You were speaking to a reporter and photographer in a place that is routinely accessed by members of the public.

The camera was in plane view at all times, even though you may not have realized that footage was being taken. The brief videotape clip that was used in the story was gathered prior to you instructing the reporter and photographer that you did not wish to be on camera. Our photographer ensures me that he shut the camera off once your request was made.

From what I have been able to gather, our crew made every effort to provide all the relevant facts, background and context of the dispute. We do not believe that we infringed your rights and have sought, at all times, to do a fair and balanced report.

II. Additional Correspondence

The complainant sent the following message to the broadcaster and to the CBSC on March 12, indicating his dissatisfaction with the response:

Thank you for your letter of March 10/04. I am, however, disappointed that your response failed to address the concerns my original letter had raised.

It is an unfortunate fact that sensationalism is a part of journalism. This story is an example of the media's tenacity [*sic*] to sensationalize the plight of the perceived underdog - the poor, disabled tenant. This fact is apparent upon watching the report by the amount of time dedicated to the tenant's side, the clip of the man shuffling alone, counting his pennies (when in fact there were other coins as well) and the supportive appearance of the regulatory body for the landlord association.

With regards to the issue of invasion of privacy, I recently read an article in the *Times Colonist*, which stated that changes were being made to the privacy act, which would preclude the videotaping of unsuspecting people. Perhaps the CH news team should familiarize themselves with these updates, if you are in fact striving to uphold the highest level of journalistic integrity and ethics as you claim in your response.

I indicated immediately to Mr. Emerson that I did not wish to appear on camera several times (my staff are witness to this). As far as I am aware it is not a standard method to videotape someone when the camera is being held by the cameraman's side. The cameraman must have a very sore arm if this is standard practice. If, as you claim the camera was turned off upon request, it should have been obvious to Mr. Emerson that I did not wish to be identified on camera in any way. If you review the clip, there are obvious identifying characteristics including, my voice, my image, and a good shot of the inside of my business. The video clip is, in fact, remarkably like the work of a sneaky private investigator.

If your desire was truly to present a balanced story, Mr. Emerson should have obtained all of the facts from my side of the story, and presented them in a professional way. For example, Mr. Emerson could have stated, that the landlord did not want to appear on camera while in front of the rooming house.

I also consider it an invasion of privacy for Mr. Emerson to come to my place of business to begin with. One local newspaper received all of the information over the phone and portrayed

a much fairer story. As you indicated in your letter, my place of business was completely unrelated to your story. I believe Mr. Emerson came here so he could videotape me in an unscrupulous manner and then claim he was in a public place.

Your previous response was unsatisfactory to address the above situation. At the very least a public apology on the air in the same time slots as the show aired is in order. I think you need to familiarize your self with the privacy act witch [sic] prohibits situations such as this. It is my hope that CH News continues to strive for integrity, avoid sensationism [sic] and private eye type of reporting as this is much more appropriate in tabloids than respected journalism.

Please let me know what your intentions are.