



ELECTRIC VEHICLE CHARGING SYSTEMS (EVCS)

Getting a Charge Out of the New Regime

When considering EVCS installations, it is important to distinguish between whether it is a unit owner seeking to install an EVCS in, for example, their parking space, or the Corporation installing it/them on the common elements.

Installation by the Corporation

Although Sec, 97 would normally apply, the Corporation is exempt if the following criteria are met:

1. An assessment of the costs to the Corporation has been completed;
2. This cost, in total (whether it is spread out over two fiscal years), is not greater than 10% of the annual budget.
3. In the reasonable opinion of the board, the owners would not regard the installation as a material reduction or elimination of their use or enjoyment of the units, common elements or assets of the corporation;
4. Notice has been sent out indicating:
 - the proposed installation
 - in opinion of board, the owners would not regard the installation a resulting a material reduction of their use or enjoyment of the units, common elements or assets;
 - estimated cost to carry out the installation, and indicating how to be paid
 - any other information that a bylaw of the Corporation may require

The Corporation must wait at least 60 days after the notice is sent.

If either items 2 or 3 above apply (cost greater than 10% or expectations of 3. not met) then the notice must state that owners can requisition a meeting within 60 days of receiving the notice. The notice must also include a copy of section 46 of the Act and section 24.2 of the Regulations).

Installation by Owners

Although a section 98 agreement would normally be required, the regulations exempt an owner and the Corporation from this if all or part of the system is located on the Corporation's property (such as electrical wiring or conduit runs from the parking space to the electrical panel across common element). The following criteria must be met:

1. Written application by owner including drawings, specifications.
2. The Corporation has 60 days to respond to the request stating whether it is approved or rejected.
3. The request can only be rejected if the Corporation obtains a report or opinion from an expert that:
 - the installation would be contrary to government legislation, regulations or bylaws, including the Electrical Safety Code, but this does not include the Corporation's declaration, bylaws or rules;
 - it will adversely affect the structural integrity of the property;
 - will pose a serious risk to the health and safety of people, or of damage to the property or assets of the Corporation

If approved then owner must enter into an agreement that is registered on title, which agreement is very similar to section 98 agreements.

The demand for EVCS is only going to go up, which is great for our environment. However, it is important for corporations to analyze their building's electrical capacity and plan accordingly