



Electric Vehicle Charging Station Regulations:

What Condo Managers Need to Know

The Ministry of Government and Consumer Services (MGCS) has recently introduced amendments to the regulations under the *Condominium Act, 1998* (The Act), which establish a process to facilitate the installation of electric vehicle charging stations (EVCS) in condo buildings. Effective May 1, these new provisions:

- set out the process for condominium corporations to obtain approval to install EVCSs
- set out the process for an owner to request and obtain approval to install an EVCS



**Condominium Management
Regulatory Authority of Ontario**

For more information about these changes, please see sections 24.3 to 24.6 of [Ontario Regulation 48/01](#), which is a regulation under the [Condominium Act, 1998](#).

Condo managers have an important role to play in the new process that facilitates the installation of electric vehicle charging stations (EVCS). Here's what you need to know:

The new regulations provide for two very specific scenarios:

1. When the condo corporation chooses to install a charging station
2. When an owner requests to install a charging station

Scenario 1: Installation by the condo corporation

If a condominium corporation wants to install an EVCS in the common elements of the condominium, it may be able to do so without a vote of the owners.

No vote by owners

If the condominium corporation wants to install an EVCS, they can install an EVCS without a vote of the owners if:

1. The estimated cost of the installation is not greater than 10% of the annual budgeted common expenses of the current fiscal year.
2. In the reasonable opinion of the board, owners will not view the installation of the EVCS as negatively impacting the use and enjoyment of units, common elements or assets of the corporation.

If both conditions are met, the corporation will send a notice to the owners at least 60 days before the installation begins. Owners will not have an opportunity to vote on this decision.

Once the notice has been sent and 60 days have passed, the condo corporation can begin installation of the EVCS.

Note: The notice to owners must describe the proposed installation, an estimated cost of the EVCS installation and a description of how the corporation will pay for the costs. The notice should also include a statement confirming that the board believes the owners **would not** consider the installation of the EVCS to constitute a significant reduction or elimination of the use or enjoyment of units, common elements, or assets of the corporation.



Possible vote by owners

If the estimated cost of the installation is greater than 10% of the annual budget for common expenses, or if the opinion of the board is that the owners might view the installation of the EVCS as significantly impacting their enjoyment of the units, common elements or assets of the corporation, then the corporation must follow a specific process that would allow owners to request a meeting to vote on the proposed installation.

The corporation must send a notice to the owners advising them of the plan to install an EVCS. Once the notice has been sent, the corporation can proceed with the installation of the EVCS only if:

- owners of at least 15% of the condominium's units have not requisitioned a meeting within 60 days of receiving the notice
- a meeting was requisitioned and held, but quorum was not met
- a meeting was requisitioned and held where quorum was met, and the owners did not vote against the installation of the EVCS

Note: The notice to owners must describe the proposed installation, an estimated cost of the EVCS installation and a description of how the corporation will pay for the costs. The notice should also include a statement confirming that the board believes the owners **would** consider the installation of the EVCS to constitute a significant reduction or elimination of the use or enjoyment of units, common elements, or assets of the corporation.

The notice must also advise owners of their right to requisition a meeting within 60 days of receiving the notice. The notice must also include a copy of [section 46 of The Act](#), [section 24.2 of Ontario Regulation 48/01](#), as well as any other information that the by-laws of the corporation require.



Scenario 2: Installation by condo owner

Under [section 98 of The Act](#), a condominium owner can only make changes to the common elements (for example, installing an EVCS at their assigned parking spot) with the approval of the board of directors of the condominium corporation, in addition to other requirements. In certain circumstances, notice to, and/or the approval of, other owners may be required before a change may take place.

The new regulations provide an exception to section 98 if the proposed modification is related to the installation of an EVCS. If a condo owner wants to install an EVCS, a process defined in section 24 of regulation 48/01 allows them to seek and get approval from their condo corporation.

Any owner who wants to install an EVCS in their condo building must follow the process below:

Step 1: Written application

The owner must create an application and deliver it to the corporation. The application must:

- identify the owner and the owner's address for service
- be signed by the owner
- include drawings, specifications, and / or information relating to the proposed installation

The corporation has an obligation to respond in writing to an owner's requests for information, permission, or authorization to assist the owner in meeting the requirements for providing drawings, specifications, and/or other information.

Step 2: Decision

Once the application has been submitted to the corporation, the corporation will have 60 days to respond in writing to the application (although this timeline can be extended upon agreement of the owner and the condominium corporation). The corporation can only reject the request for installation if, based on the opinion or report of a qualified professional:

- The installation would be in violation of the *Condominium Act, 1998*, or any other legislation;
- The installation would adversely affect the structural integrity of the property or any assets of the condo corporation; or
- The installation poses a health and safety risk to the property and its occupants.

If the condominium corporation is rejecting an application for one of these reasons, it is required to provide a copy of the report or opinion of the qualified professional to the owner.

If none of these reasons apply, the condominium corporation must accept the application, or must propose an alternative installation plan that does not result in unreasonable costs to the owner.



Step 3: Agreement

Once the condominium corporation has accepted the owner's application, the owner and the corporation have 90 days to enter into a written agreement that outlines who is responsible for the ownership, installation, maintenance, insurance and repairs for the EVCS, as well as the associated costs. Unless the condominium corporation and the owner agree otherwise, the owner is responsible for all costs to carry out the installation.

Once the condominium corporation and the owner have a written agreement, the condominium corporation must register the agreement on the title of the owner's unit. The agreement will not take effect until this happens.

For more information about these changes, please see sections 24.3 to 24.6 of [Ontario Regulation 48/01](#), which is a regulation under the [Condominium Act, 1998](#).

Role of Condo Managers

Condo managers have a role in advising and informing their clients' decisions. They are required to understand the new regulations and advise the board of their obligations and responsibilities to follow the legislation.

A condo manager can advise the board (their client) about receiving an application for EVCS installation and outline statutory timelines and processes. Condo managers can also assist with providing the necessary information for the board to make its decisions and facilitating the implementation of the board's decision. The board of directors of the condo corporation is ultimately responsible for all decisions related to the approval and procurement of EVCS installations.



The CMRAO is committed to providing valuable information and useful resources to help condo managers understand and meet their legal and professional obligations. If you need more information, please contact us.



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