

## **Installation Of Electric Vehicles Supply Equipment & Charging User Fees**

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### **Installing Electric Vehicle Supply Equipment (EVSE)**

Before installing an EVSE, a strata corporation will need to determine how parking is allocated and if any Electric Vehicle (EV) sites are available, what electrical requirements are necessary, who will be responsible for costs and grants, and how the operational costs will be recovered.

#### **Step 1: Parking & electrical service availability**

- Identify the designation of the property and parking space(s) that may be utilized for EVSE installation
- Identify if sufficient electrical service is available at the location or whether it requires an installation of electrical services to the location or upgrades to the electrical capacity of the building.

#### **Step 2: Identify / establish who is installing the EVSE:**

- The strata corporation as a common facility,
- The strata corporation for a strata lot owner where, under the strata bylaws, an alteration to common or limited common property requires the approval of the strata corporation and an alteration agreement. The alteration agreement will determine who is responsible for costs associated with the installation. The strata corporation will need to determine who is best to make these alterations.
- Strata lot owner for installation in a strata lot.

#### **Step 3: Approvals and Funding**

- Seek the approvals and funding necessary for
  - the installation of the EVSE,
  - modifications required for the electrical service and monitoring,
  - charging user fees,
  - user agreements, and
  - alteration agreements to establish obligations for maintenance, repair, insurance, liability and renewal of the EVSE.
- Contact [www.pluginbc.ca](http://www.pluginbc.ca) for funding and rebate options

#### **Step 4: Rules, bylaws and user fees**

- Establish rules, bylaws and user fees if necessary to offset the cost of electricity and operations provided to the EVSE users.

#### **Why does parking designation matter?**

Unless the strata corporation knows how parking is designated it cannot determine who is responsible for the installation and costs associated with the EVSE, the strata corporation or a strata lot owner.

#### **Types of Parking:**

There are many different strata corporations in BC, all with variations of use and allocation of parking. Each strata property may administer the use of their parking in a different manner based upon the

bylaws or rules of the strata corporation, and the assignments of parking created by the owner developer when marketing the strata property. Generally, parking is designated as common property, limited common property, part of a strata lot or as a separate strata lot. Please refer to the chart at the end of this article which shows the common variations of parking allocations found in BC.

***For more information on installing an EVSE visit [www.choa.bc.ca](http://www.choa.bc.ca) to review the full report - "Installation of Electric Vehicle Charging Stations on Strata Property".***

#### **Checklist for Determining Parking/Site Availability**

Before a strata corporation or an owner installs a charging station it must determine how parking is designated or if there is additional parking available for common use of charging stations.

To determine parking and site availability review the following documents:

- The Disclosure Statement and any amendments filed by the owner developer with the Superintendent of Real Estate, with a specific focus on the contracts between the strata corporation and the owner developer and/or a third party for the allocation of exclusive use of parking spaces
- The registered strata plan, and any amendments filed with the BC Land Title Registry (BCLTR)
- Any common or general index filing in the BCLTR that indicate a designation of limited common property filed by the owner developer or the strata corporation after the registration of the strata plan
- All registered bylaws filed by the owner developer, or amended and filed subsequently by the strata corporation in the BCLTR
- Any rules of the strata corporations, where applicable, which indicate a parking assignment, or a parking plan or inventory as utilized by the strata corporation for the allocation and use of parking spaces
- Easements filed that grant multiple strata corporations access and use of allocated parking assignments to parking facilities which are not part of the registered strata plan
- Air space parcel agreements, with a focus on easements or access to parking facilities and control of parking areas

#### **Why review ALL these documents?**

Only after reviewing these documents will the strata corporation have a better understanding if parking is available, if specific allocations are required, and if changes to the parking allocations are necessary either for technical, mechanical or access requirements.

#### **Charging users fees for the electrical consumption, operating costs and recovery of maintenance and operating costs**

#### **Legislative Update: Strata Property Regulation 6.9**

On March 7, 2018 section 6.9 of the Strata Property Regulation was amended to allow a strata corporation, by bylaw or rule, to create a variable user fee for the use of strata common property. For example, a strata corporation may now adopt a bylaw or rule to charge users a consumption-based rate for electricity usage for those charging their electric vehicles.

**User fees for the use of common property or common assets Strata Property Regulations 6.9**

*(1) For the purposes of section 110 of the Act, a strata corporation may impose user fees for the use of common property or common assets only if all of the following requirements are met:*

- (a) the amount of the fee is reasonable;*
- (b) the fee is set out
  - (i) in a bylaw, or*
  - (ii) in a rule and the rule has been ratified under section 125 (6) of the Act.**

*(2) A user fee imposed by a strata corporation may be a fixed amount or an amount determined on a reasonable basis, including, but not limited to the following:*

- (a) the user's rate of consumption;*
- (b) the recovery of operating or maintenance costs by the strata corporation;*
- (c) the number of users;*
- (d) the duration of use.*

**What's an alteration agreement?**

An agreement between the strata corporation and strata lot owner that would identify:

- the responsibilities of the strata corporation and the strata lot owner for the purchase of the EVSE,
- installation and alterations to mechanical systems,
- who is liable for the maintenance, repair, and renewal requirements of the EVSE,
- who pays for the insurance requirements of the EVSE,
- who is responsible for the costs of the EVSE,
- who pays the cost of electricity consumption,
- who pays the cost of the installation, and
- any future costs associated with maintenance and renewal of the EVSE.

**Seek legal advice:**

Given the complexity and diversity of strata corporations, strata councils are recommended to seek legal advice on

- Installation procedures;
- resolutions to approve parking re-allocation or significant changes to use or appearance of common property or a common asset;
- bylaws or rules; and alteration agreements

**Note:**

- If the EVSE or charging station meters the capacity of use of electrical service, the bylaw or rule may set a rate within the bylaw or rule to recover the operating cost of the electricity.
- If the maintenance and operating costs of the EVSE can be determined, the cost of the user fee associated with the EVSE may be incorporated into the user fee rate.
- It is important to understand that the fees for the rate of electrical consumption, and any fees associated with the recovery of operating and maintenance costs, must be fixed in the rule or bylaw

A rule for user fees is a flexible option for a strata corporation. Rules are not filed in the Land Title Registry and may be amended at a general meeting by majority vote to easily accommodate rising electrical costs or user costs.



**Common Variations of Parking Allocations**

