

Electric Vehicle Charging System Regulations and Installations

What Condominium Managers Need to Know



September 2023

Overview

On May 1, 2018, The Ministry of Public and Business Service Delivery (formerly the Ministry of Government and Consumer Services) introduced amendments to the regulations under the *Condominium Act, 1998* (the Condo Act), which established a process to facilitate the installation of electric vehicle charging systems (EVCS) in condominium buildings. These provisions:

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

For more information, see sections 24.3 to 24.6 of [Ontario Regulation 48/01](#), under the [Condominium Act, 1998](#).

Condominium managers have an important role to play in the process that facilitates the installation of EVCS. This guide outlines what managers need to know.

Electric Vehicle Charging Systems in Ontario's Condominium Communities

Electric vehicles (EVs) are **partially or fully powered by electricity**. In Ontario, there are two types of EVs in the market for personal use: battery electric vehicles (BEVs) and plug-in hybrid electric vehicles (PHEVs).

The Government of Canada projects that by 2035, 100% of new passenger vehicles sold in Canada will be zero-emission. Across the province, more and more Ontarians are considering switching from fuel vehicles to EVs, and as these numbers continue to grow, so does the demand for the installation of EVCS. In condominium buildings, the installation of EVCS might involve a more complex process. Condominium managers must be prepared to assist with the process and implementation of the board's decision to install EVCS.

Before installing an EVCS, ensure the following is complete:

- **Review the condominium's policies on electric vehicle charging and installations.** If you do not understand the corporation's policies or seek legal advice regarding installation applications, you may wish to consult a condominium lawyer.
- **Obtain a permit from the Electrical Safety Authority (ESA).** This will be completed by a Licensed Electrical Contractor.
- **Ensure that all equipment has [official approval marks](#)** by a nationally recognized certification or evaluation agency.

The regulations provide for two very specific scenarios:

1. **When the condominium corporation chooses to install an EVCS**
2. **When an owner requests to install an EVCS**

Scenario 1

Installation by the condominium 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 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 Condo Act](#), [section 24.2 of O. Reg. 48/01](#), as well as any other information that the by-laws of the corporation require.

Scenario 2

Installation by condominium owner

Under [section 98 of the Condo 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 regulations provide an exception to section 98 if the proposed modification is related to the installation of an EVCS. If an owner wants to install an EVCS, a process defined in section 24 of O. Reg. 48/01 allows them to seek and get approval from their condominium corporation.

Any owner who wants to install an EVCS in their condominium 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 Condo Act, or any other legislation;
- The installation would adversely affect the structural integrity of the property or any assets of the condominium 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.

Scenario 2

Installation by condominium 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, see sections 24.3 to 24.6 of [O. Reg. 48/01](#).

Role of Condominium Managers

Condominium 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 manager can advise the board (their client) about receiving an application for EVCS installation and outline statutory timelines and processes. Condominium 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 condominium corporation is ultimately responsible for all decisions related to the approval and procurement of EVCS installations.

Considerations for Condominium Managers

As a condominium manager, there are a number of things to consider when assisting with the gathering of the necessary information related to EVCS installation planning in condominium communities.

Managers might find it helpful to keep the following in mind:



There are three different levels (categories) of EVCS.

It will be important to assess which EVCS level works best with your condominium building.



Different buildings have varying infrastructure and electrical capacities.

Consider the needs of the residents and the limitations of the building's electrical system when planning for current and future EVCS installations. This may require help from a qualified energy management expert and additional research into Energy Management Systems (EMS). EMS help manage and optimize the use of energy in the condominium building.



Evaluate the most suitable environment to install EVCS and the different pricing models for charging.



Electrical work can be dangerous and should be completed by a Licensed Electrical Contractor.

If you have concerns about EVCS, consult a [Licensed Electrical Contractor](#).



Develop a plan that incorporates regular maintenance and repair for EVCS.

Over time, there may be additional demands related to the installation and maintenance of EVCS.

The [Electrical Safety Authority](#) (ESA) has prepared a [guide to EV charger installation](#) that shares best practices to assist condominium management, boards, and owners with the installation of EVCS. Refer to their [EVCS checklist](#) to help ensure all steps to the installation process are completed.

For additional information about electric vehicles and installing EVCS, please visit the [Ontario Ministry of Transportation's website](#).



The CMRAO is committed to providing valuable information and useful resources to help condominium managers understand and meet their legal and professional obligations. For further information or any questions, please contact the CMRAO.

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