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## Condo Smarts

Headline: Strata Prohibits EV Charging

Topic: Electric Vehicles

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Written by: Tony Gioventu

**Dear Tony:** I purchased my condo in 2019, and with it came two parking spaces assigned to the previous owner by the developer. Those spaces were correctly disclosed to me on purchase, with no debate. I recently purchased an electric vehicle, but much to my dismay, was informed by the council president the strata corporation had adopted a bylaw in 2018 that prohibited charging of EV's and scooters in the parking area. The reason cited was the increased risk of fire and the strata did not believe it was fair the parking garage was going to be altered for fewer than 5% of the owners. Fast forward to 2023 and Bill 22. Because the change in legislation now requires that a strata corporation cannot unreasonably refuse the installation of a charging station, is this bylaw even enforceable? Applying the bylaw would appear to be a significantly unfair refusal of my request. I have offered to pay for all costs, including an ongoing premium for electricity.

*Marlena V, Burnaby*

**Dear Marlena:** There are a few basic principles of strata operations that apply to all bylaws. A bylaw is not enforceable to the extent that it:

- (a) contravenes this Act, the regulations, the [Human Rights Code](#) or any other enactment or law ( including the Strata Property Act)*
- (b) destroys or modifies an easement created under section 69, or*
- (c) prohibits or restricts the right of an owner of a strata lot to freely sell, lease, mortgage or otherwise dispose of the strata lot or an interest in the strata lot.*

Bylaws must be passed at a general meeting of the owners by 3/4 vote and they must be filed in the Land Title Registry to be enforceable. Bill 22 was brought into law in May of this year, and within this legislation it

requires strata corporations to act reasonably. You are correct, a bylaw that now contravenes this legislation we could safely assume is no longer reasonable.

A strata corporation may require the owner to assume all responsibility, cost and liability for the installation of an EV station; however, there is a flaw in the legislation affecting all strata corporations who are being asked to permit alterations to common property for EV charging or heat pumps; the alteration agreement is with the owner, and does not attach to the strata lot. When the owner sells, there are often complications and disputes over who controls, owns and is responsible for the permitted alteration. As many strata corporations across the province are self managed, there is also the ongoing problem with disclosed and informed documentation for future owners. I reviewed all your filed bylaws, and the strata corporation has never filed any amendments since 2015. There is no enforceable bylaw in place prohibiting EV charging.