

ELECTRIC VEHICLES AND STRATA CORPORATIONS: THE IMPACT OF BILL 22



www.choa.bc.ca
1.877.353.2462

Jennifer Neville
Hamilton & Company
Phone: 604.630.7474
Email: jneville@hamiltonco.ca



HAMILTON
& COMPANY
— STRATA | LITIGATION —



*We gratefully acknowledge the financial support of
BC Housing as part of the Building Excellence
Research & Education Grants Program*

**Many thanks to this week's
Sponsor!**



Privacy & Education

- The information presented and discussed in the webinar is not intended as legal advice or an opinion on the merits or questions raised by a participant. It is only intended for educational purposes.
- Due to the nature of information protected under the *Personal Information Protection Act*, and the confidentiality of each participant and their strata corporation, answers to strata corporation specific questions cannot be given during the seminar.
- Participants are advised to seek legal counsel independently regarding the specific nature of a bylaw, bylaw enforcement, interpretation of legislation, or matters relating to contractual relationships.
- Participants are requested to respect the privacy of those persons attending and participating in the seminars.

Right to Charge:

- Bill 22 – *Strata Property Amendment Act*
 - received Royal Assent on May 11, 2023;
 - defines electric vehicles and electric vehicle infrastructure
- Changes to the *Strata Property Act* encourage strata corporations to embrace electric vehicle use by doing the following: changing the voting threshold to approve and pay for EV charging infrastructure installations; increasing the amount of time that an owner may have exclusive use of a common property parking stall; and preventing a strata corporation from unreasonably refusing approval to install EV charging infrastructure.

Vehicles and Prices:

No.	MAKE	MODEL	PRICE	No.	MAKE	MODEL	PRICE
1	Nissan	Leaf	\$39,498	26	Ford	E-Transit	\$70,450
2	Chevrolet	Bolt EV	\$40,797	27	Cadillac	Lyriq	\$70,597
3	Mazda	MX-30	\$42,650	28	Genesis	GV60	\$71,150
4	Chevrolet	Bolt EUV	\$42,797	29	Mercedes-Benz	EQB	\$75,700
5	Kia	Soul EV	\$42,995	30	VinFast	VF9	\$79,990
6	Hyundai	Kona Electric	\$43,899	31	BMW	iX	\$82,860
7	Toyota	bZ4X L	\$44,990	32	Audi	Q4 Sportback e-tron	\$96,226
8	Kia	Niro EV	\$44,995	33	Audi	Q8 e-tron	\$98,250
9	Hyundai	Ioniq 5	\$44,999	34	Rivian	R1T	\$98,500
10	MINI	Cooper SE 3	\$45,590	35	Jaguar	I-Pace	\$99,800
11	Volkswagen	ID.4	\$46,632	36	Polestar	3	\$99,900
12	Kia	EV6	\$46,995	37	Lucid	Air	\$105,000
13	Ford	Mustang Mach-E	\$51,495	38	Genesis	Electrified G80	\$105,150
14	Nissan	Ariya	\$52,998	39	Rivian	R1S	\$105,250
15	Polestar	2	\$53,950	40	Porsche	Taycan 4 Cross Turismo	\$119,900
16	Subaru	Solterra	\$54,295	41	Tesla	Model S	\$122,990
17	Tesla	Model 3	\$54,990	42	Audi	Q8 Sportback e-tron	\$129,291
18	VinFast	VF8	\$54,990	43	Porsche	Taycan 4S	\$130,200
19	BMW	i4 eDrive	\$58,245	44	Audi	e-tron GT	\$133,950
20	Volvo	C40 Recharge	\$59,950	45	Mercedes-Benz	EQS	\$136,000
21	Volvo	XC40 Recharge	\$59,950	46	BMW	i7	\$147,000
22	Audi	Q4 e-tron	\$67,210	47	Tesla	Model X	\$147,590
23	Ford	F-150 Lightning	\$68,000				
24	Lexus	RZ 450E	\$68,225				
25	Tesla	Model Y	\$69,990				

Right to Charge, Cont'd:

- The following became effective on May 11, 2023, regarding EV charging infrastructure:
 - Change threshold (3/4 vote changed to a majority vote) - significant change in use or appearance of common property;
 - Change threshold (3/4 vote changed to a majority vote) - approve acquisition of personal property;
 - Change threshold (3/4 vote changed to a majority vote) – use of contingency reserve fund for EV charging infrastructure or electrical planning report
- The rest of the provisions will be addressed by Regulations to be passed at a later date

Right to Charge- Voting Threshold:

- Change in use of common property:

71 Subject to the regulations, the strata corporation must not make a significant change in the use or appearance of common property or land that is a common asset unless

(a) there are reasonable grounds to believe that immediate change is necessary to ensure safety or prevent significant loss or damage, or

(b) the change is approved by a resolution passed at an annual or special general meeting

(i) by a **majority vote**, in the case of a change that is **related to the installation of EV charging infrastructure or the management of electricity used by EV charging infrastructure**, or

(ii) by a 3/4 vote, in the case of any other change.

Right to Charge - Permission For Exclusive Use:

- 76 (2)** A permission or privilege under subsection (1) may be
- (a) made subject to conditions, and
 - (b) given for a period of not more than
 - (i) one year, or
 - (ii) in the case of a permission or privilege given in relation to a parking stall in a prescribed class of parking stalls, any longer period set out in the regulations.

Right to Charge-Voting Threshold to Acquire Personal Property:

82 (a) in subsection (3) by striking out "by a 3/4 vote", and (b) by adding the following subsection:

(3.1) The resolution referred to in subsection (3) must be passed

(a) by a **majority vote**, in the case of personal property acquired or disposed of **for** a purpose related to

(i) the installation, operation, maintenance or repair of EV charging **infrastructure**, or

(ii) the **management of electricity used by EV charging infrastructure**, or

(b) by a 3/4 vote, in the case of personal property acquired or disposed of for any other purpose.

Right to Charge-Owner Request:

90.1 (1) An **owner may request** that the strata corporation approve proposed **alterations** to common property, or to land that is a common asset, that are necessary for the purposes of installing **EV charging infrastructure** for use at a parking stall.

(2) A request under subsection (1) must

(a) include the prescribed information, if any,

(b) be made on or after the date determined in accordance with the regulations, and

(c) comply with any other requirements set out in the regulations.

Right to Charge-Strata Response:

90.2(6) The strata corporation must decide whether to approve an owner's request within the prescribed period, if any, after receiving the request.

Strata Planning and Protection:

- Section 90.2(1) and 90.2(2) - Strata corporation to approve owner request if:
 - i. EV charging infrastructure in class set out in Regulations;
 - ii. Owner has a right to use the stall;
 - iii. Other criteria prescribed by Regulations;

Strata Planning and Protection-Compatibility:

- Section 90.2(3) - Strata Corporation is permitted to consider:
 - i. Compatibility with:
 1. existing infrastructure;
 2. any system to manage electricity;
 - ii. capacity of current electrical system
 - iii. current and anticipated demands on current electrical system

Strata Planning and Protection- Agreement:

- Section 90.2(5) – Strata Corporation may require owner to:
 - i. Obtain approval for proposed infrastructure, contractors, materials;
 - ii. Modify or replace the EV charging infrastructure;
 - iii. Accept joint and several liability with other requesting owners

Strata Planning and Protection- Alteration Costs:

- Section 90.3(1) – owner responsible for costs, unless otherwise agreed;
- Section 90.3(2) – if Strata Corporation makes the alteration, owner to pay, unless otherwise agreed;

Strata Planning and Protection- Rights Unaffected:

- Section 90.3(4) – installation of EV charging infrastructure does not affect any person's right to use a parking stall

Strata Planning and Protection- Electrical Planning Report:

- **Electrical planning report**

94.1 (1) In this section, "**qualified person**" has the meaning set out in the regulations.

(2) Subject to the regulations, a **strata corporation must obtain** from a qualified person, **on or before the dates determined in** accordance with the **regulations, an electrical planning report.**

(3) An electrical planning report referred to in subsection must contain the information set out in the regulations.

Strata Planning and Protection-

Strata Costs:

96 The strata corporation must not spend money from the contingency reserve fund unless the expenditure is (a) consistent with the purposes of the fund as set out in section 92 (b), and (b) approved or authorized as follows:

(i) the expenditure is first approved by a resolution passed by

(A) a majority vote at an annual or special general meeting if the expenditure is

(I) necessary to obtain a depreciation report under section 94.

(II) related to the repair, maintenance or replacement recommended in the most current depreciation report obtained under section 94 of common property, common assets or the portions of a strata lot for which the strata corporation has taken responsibility under section 72 (3).

(III) related to the installation of EV charging infrastructure or the management of electricity used by EV charging infrastructure.

(IV) necessary to obtain a report respecting the installation or operation of EV charging infrastructure or the management of electricity used by EV charging infrastructure.

(B) a 3/4 vote at an annual or special general meeting if the expenditure is not described in clause (A) (I) or (II);

(ii) the expenditure is authorized under section 98.

(IV) necessary to obtain an electrical planning report under section 94.1, and

(V) necessary to obtain any other report respecting the installation or operation of EV charging infrastructure or the management of electricity used by EV charging infrastructure.

The Following Will Become Effective When The Regulations Are Passed:

- A period (greater than one year) that the council may permit common property to be exclusively used;
- Requirements to be fulfilled by an owner when making a request;
- The class of EV charging infrastructure for which an owner may make a request;
- Criteria for approval of a request;
- Setting out the period by which a strata corporation must approve a request;
- Define a person who is qualified to prepare an electrical planning report

Thank you



Condominium Home Owners' Association

1.877.353.2462

Go to: www.choa.bc.ca to sign up for the eUpdate

New Westminister Office: 604.584.2462

Vancouver Island Office: 250.381.9088

Interior Office: 250.868.1195

Northern BC Office: 250.640.4229

