

CAO Guide on Electric Vehicles Charging Systems



Condominium
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Have a Question?

If you have a question about any of the information in this Guide, please contact us. We have a team available to answer any questions you may have.

This guide may be updated from time to time. You can access the most up-to-date version on the CAO website.

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Acknowledgements

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CAO Contact Information

Please submit any inquiries via the [Contact Us](#) portal on our website.

Monday to Friday:

9:00 a.m. - 5:00 p.m.

CAO Local number – 416-901-9356

CAO Toll Free number – 844-880-5341

TTY (telephone device for the hearing impaired)

[Bell Relay Service](#)

Document Purpose

This document provides step-by-step instructions for owners and boards of directors to follow to install an Electric Vehicle Chargers that requires a change to the common elements of the condominium corporation.

This guide will be updated from time to time. To obtain the most up-to-date version, please visit CAO's website at condoauthorityontario.ca.

Introduction

As of May 1, 2018, changes to [Ontario Regulation 48/01](#) under the [Condominium Act, 1998](#) (“the Act”) establish a new process for obtaining approval to install electric vehicle charging systems (EVCSs) in condominium buildings.

More specifically, these new provisions:

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

The CAO has developed this step-by-step guide with instructions for condo owners and boards of directors to follow to install an EVCS that requires a change to the common elements of the condominium corporation.

All installations of EVCS must be completed by a Licensed Electrical Contractor with an ESA permit to help ensure the installation is done properly. Find a Licensed Electrical Contractor here: <https://esasafe.com/contractor>.

Corporations initiate Installation

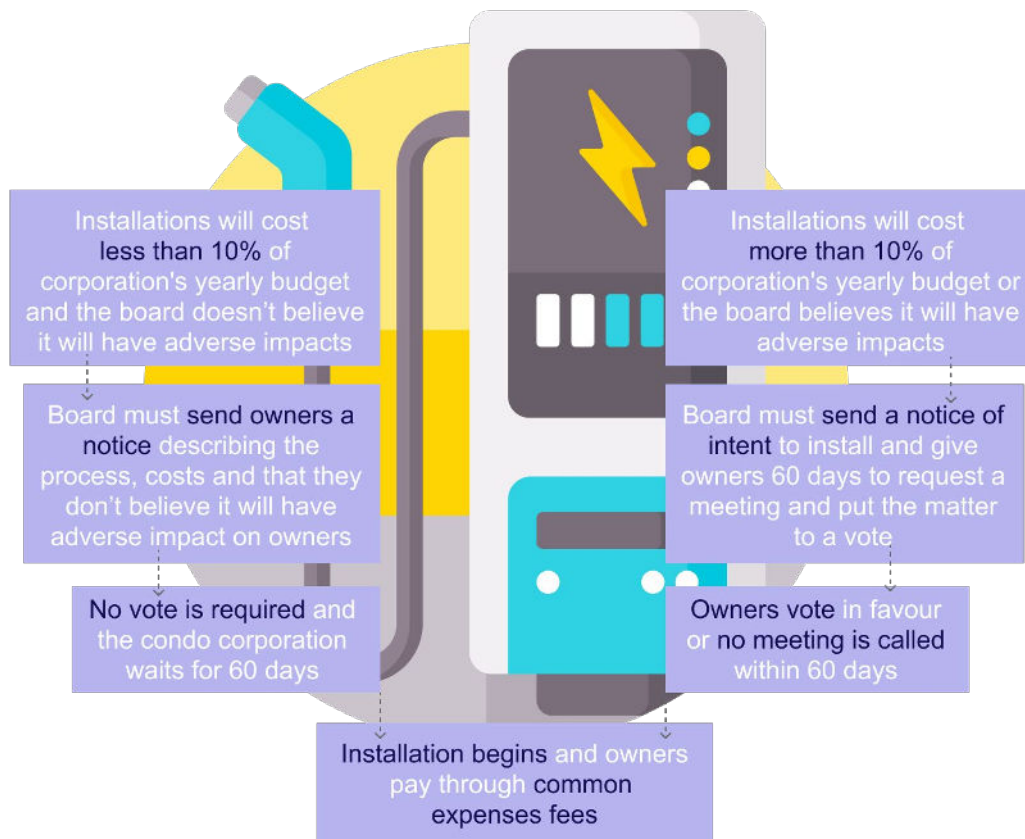
If a condominium corporation wants to install an EVCS in or on the common elements of the condominium corporation, they may be able to do so without a vote of the owners, or they may need to provide owners with an opportunity to vote on the installation. An overview of both situations is provided below.

Please note: If the corporation will be doing the installation, all costs associated with the EVCS installation are considered common expenses of the corporation.

Accordingly, all owners will be responsible for paying for the costs associated with the installation and the EVCS’s ongoing maintenance, based on the statement of the proportions in which they contribute to the common expenses, as set out in the condominium corporation’s declaration.

Installation Process

Condominium corporations that follow the processes described below are exempt from section 97 of the Act.



Step 1: Assessing the Cost of the Installation

The board must first assess the costs to the corporation for the proposed installation of the EVCS. Once the board has completed this assessment, they must follow one of two paths depending on the assessment results.

Step 2: Determine whether Owners Can Vote

- Based on the results of the assessment, the condominium corporation must then determine whether it can proceed with the installation without vote of the owners, or whether it must provide the owners with an opportunity to requisition a meeting to vote on the proposed installation.
- The corporation can decide to install the EVCS without input or a vote from the owners **only** if the proposed installation of the EVCS meets two conditions:
 1. The estimated cost to the corporation is **not greater** than 10 percent of the annual budgeted common expenses for the corporation's current fiscal year, and

2. The board believes that the owners of the condominium corporation **would not** consider the installation of the EVCS as causing a material reduction or elimination of their use or enjoyment of the units they own or the common elements.

Option 1: No Vote by Owners

Step 3 (Option 1): Send Notice to Owners

Once the condominium corporation has determined that it can proceed with the installation without a vote of the owners, the corporation must then send a notice to all owners. The notice must contain:

1. A description of the proposed installation,
2. A statement that the board believes that the owners of the condominium corporation **would not** consider the installation of the EVCS to be a material reduction or elimination of their use or enjoyment of the units that they own or the common elements,
3. A statement of the estimated costs for the installation of the EVCS, and how the corporation will pay for the costs,
4. Any other information that the by-laws of the corporation require.

Step 4 (Option 1): Proceed with Installation

After at least 60 days have passed since the corporation sent the notice to owners, the corporation can proceed with the installation of the EVCS.

Installation must be completed by a Licensed Electrical Contractor with an ESA permit. Find a Licensed Electrical Contractor here: <https://esasafe.com/contractor>.

Option 2: Possible Owners' Vote

Step 3 (Option 2): Send Notice to Owners

Once the condominium corporation has determined that it must provide the owners with an opportunity to requisition a meeting to vote on the proposed installation (based on the criteria described in **Step 2** above), the corporation must then send a notice to all owners. The notice must contain:

1. A description of the proposed installation,
2. A statement of the estimated costs for the installation of the EVCS, and how the corporation will pay for the costs,
3. A statement that the board believes that the owners **would** regard the installation of the EVCS as causing a material reduction or elimination of the use or enjoyment of the units that they own or the common elements,

4. A statement that the owners have a right, in accordance with section 46 of the Act, to requisition a meeting within 60 days of receiving the notice,
5. A copy of the text of section 46 of the Act, and section 24.2 and 24.3 of Ontario Regulation 48/01, and
6. Any other information that the by-laws of the corporation require.

Step 4 (Option 2): Determine next Steps

- Once the notice has been sent to the owners, the owners can requisition a meeting within 60 days to vote on the proposed installation. Click [here](#) for more information on requisitioning a meeting.
- If at least 60 days have passed since the notice was sent, the corporation can proceed with the installation of the EVCS if the owners have:
 1. Not requisitioned a meeting within 60 days of receiving the notice,
 2. Requisitioned a meeting but quorum was not present at the meeting, or
 3. Requisitioned a meeting where quorum was present, and where the owners did not vote against the installation of the EVCS.

Installation must be completed by a Licensed Electrical Contractor with an ESA permit. Find a Licensed Electrical Contractor here: <https://esasafe.com/contractor>.

Owners initiate Installation

Ontario [Regulation 48/01](#) describes the process that an owner must follow to make an application to their condominium corporation for the installation of an EVCS.

Owners that follow the processes described below are exempt from section 98 of the Act, which describes the process that must be followed for an owner to make other types of changes to the common elements.



Installation Process

Step 1: Creating the Application

If an owner wishes to apply to their condominium corporation for the installation of an EVCS, they must first prepare an application. This application must:

- Be in writing,
- Identify the owner and the owner's address for service,

- Be signed by the owner submitting the application, and include drawings, specifications, or information relating to the proposed installation.

To help owners create their applications, the CAO has developed an EVCS application template. You can use this template to prepare your own EVCS installation application. [The template is available here.](#)

- If the owner requires information, permission, or authorization from the condominium corporation to provide the required drawings, specifications, or information relating to the proposed installation, they can request the information, permission or authorization from the condominium corporation in writing. Once requested, the corporation must provide this information as soon as reasonably possible.
- If you are having difficulty receiving the records you require from your condominium corporation, you may wish to consider making a formal request for the records. For more information on making a request for records, please visit the [CAO's Records Issues page](#).

Step 2: Submitting the Application

After the owner has created their application, they must then send it to their condominium corporation. The application must be sent in one of the following ways:

- A. For paper applications, sent by mail, courier, or deposited in the mailbox:
 - At the address for service for the corporation, the property manager, the property management provider, or any other person responsible for the management of the property; or,
 - At an address that the board has decided is the address for receiving the delivery of applications for the installation of an EVCS.
- B. For electronic applications, sent by fax, email, or any other method of electronic communication (but only if the board has decided that this method of delivery is acceptable); or
- C. Sent in any manner that the corporation and the owner agree to in writing.

Step 3: Response from the Board of Directors

- Once a condominium corporation has received an application from an owner, the board of directors must determine if the application is complete and meets the requirements listed in Step 1 and Step 2 above.
- If the application meets the requirements listed in Step 1 and Step 2 above, the board must respond to the owner in writing indicating whether the board has

accepted or rejected the application **within 60 days** (or any other time period that the board and the owner agree to in writing).

- If the application does not meet the requirements listed in Step 1 and Step 2 above, the board must notify the owner in writing as soon as reasonably possible and describe why the application does not meet the requirements.

Scenarios to consider:

Depending on the response from the board, the following scenarios are likely to occur –

If this process is agreed to, other owners may choose to make a similar requests and the building will have limits to the number of EVCS that can be installed.

A. Board Accepts an Application

If the board accepts an application and does not require that the proposed installation be carried out in an alternative manner or location, then the board's response must include a statement of that fact.

B. Board Rejects an Application

The board can only reject an application if it has obtained a report from a qualified professional that clearly states that the proposed installation:

- Will be contrary to any general or special Act, including the [Electrical Safety Code](#);
- Will adversely affect the structural integrity of the property of the corporation; or,
- Will pose a serious risk to the health and safety of an individual or damage the property of the corporation.

If the board rejects an application, they are required to include a copy of the report that was the basis for their rejection. For more information on what to do if you disagree with a board's refusal of an application, please refer to the [Disagreements: Mediation and Arbitration](#) section below.

C. Board Accepts an Application, but requires that the installation be carried out in an alternative manner or location?

If the board accepts an application, they may require that the proposed installation be carried out in an alternative manner or location. The corporation can do this only if the alternative manner or location is necessary to ensure that:

- The owners of the corporation would not consider the installation of the EVCS to cause a material reduction or elimination of their use or enjoyment of their units or the common elements
- The installation of the EVCS would not contravene anything in the corporation's declaration, by-laws or rules
- The installation is not contrary to any provisions in any agreement to which the corporation is a party

The condominium corporation can propose an alternative manner or location for the EVCS installation only if the alternative would not cause the owner to incur any unreasonable costs.

If the board decides that the installation of an EVCS must be carried out in an alternative manner or location, the response to the owner must include a statement of that fact.

The response must also include:

- A statement that the proposed installation must be carried out in an alternative manner or location
- The reasons why it is necessary for the installation to be carried out in an alternative manner or location
- The drawings, specifications, and information that clearly how the installation will be carried out in an alternative manner or location

For more information on what to do if you disagree with the board's alternative installation, please refer to the [Disagreements: Mediation and Arbitration](#) section below.

D. Board does not Respond

If the board does not respond to the owner within the 60 days (or any other time period that the board and the owner agree to in writing), then the board is considered to have neither rejected nor required that the installation be carried out in an alternative manner or location.

If you have submitted an application and the corporation has not responded in 60 days, you may wish to contact your condominium corporation. Alternatively, you may wish to consider pursuing mediation or arbitration. For more information, please refer to the information under the [Disagreements: Mediation and Arbitration](#) heading below.



If you have submitted an application and the corporation has not responded in 60 days, you may wish to contact your condominium corporation.

Application Response Templates:

To help boards respond to applications from owners, the CAO has created three templates that boards can use:

[Response: Application Approved](#)

This template can be used to respond to an owner whose application has been approved, and where the board does not require the installation to be carried out in an alternative manner or location.

[Response: Application Rejected](#)

This template can be used to respond to an owner whose application has been rejected

[Response: Alternative Manner or Location](#)

This template can be used to respond to an owner whose application has accepted, but where the board requires that the installation be carried out in an alternative manner or location.

Step 4: The Agreement for Installation of an EVCS

If the board accepts an application of the installation for an EVCS, then the condominium corporation and the owner must now enter into an agreement. This agreement must be entered into **within 90 days** of the board accepting the application (or another time period that the corporation and the owner agree to in writing).

The agreement must be in writing and its terms and conditions must be reasonable and necessary to facilitate the installation, use, and operation of the EVCS. The terms and conditions must:

- Relate to the manner of the installation
- Outline how the cost of the installation will be distributed between the owner and the corporation
- Establish the responsibilities of the corporation and the owner in relation to the cost of the use, operation, repair, maintenance, and insurance of the EVCS, as

well as the cost of preparing the agreement and registering it against the title to the owner's unit

- Specify who will have ownership of the EVCS (and/or its components); and,
- Relate to the termination of use of the EVCS or the agreement

After the owner and the corporation enter into an agreement, the condominium corporation must register the agreement against the title to the owner's unit, as soon as reasonably possible (or within a time period that the owner and the corporation agree to in writing). The agreement will not take effect until it is registered against the owner's unit. Once registered, the agreement binds the owner's unit and is enforceable against any future owners.

Electrical Safety Authority (ESA) Requirements and Key Considerations for EVCS

From an electrical perspective, remember that **your building is unique**. Every structure has its own specifications and infrastructural set up, and different energy demands. There is no one-size-fits-all approach to the installation of EV chargers – boards should consider the future needs of the tenants and capacity.

Three key areas of consideration when installing EVCS:

Choosing a trusted installer

- Are they transparent in identifying potential issues with installation?
- Are they transparent about their equipment sourcing and other considerations including their Energy Management System (EMS) of choice if one is being incorporated?
- Is a Licensed Electrical Contractor with an ESA permit being hired to conduct the installation? If you are working with an installation company, are they hiring sub-contractors? If so, ensure they are a Licensed Electrical Contractor and require an ESA permit before the project commences and Certificate of Acceptance after the work is done. This is a requirement in Ontario

Assessing the requirements of your building

- How do EV chargers fit within the existing building electrical infrastructure?
- Can your current electrical system support your future EVCS needs?
- Have you called the utility to determine your load capacity? They should be involved in your planning.
- Are there other electrical issues that need to be addressed prior to installing EVCS?

Developing a regular electrical maintenance and repair plan

- If your building was built more than 10 years ago, consider the systems in place and the implications for EVCS.
- What regular maintenance plans are established for your electrical systems?
- Are there structural considerations?
- Learn more about creating a regular maintenance and repair plan at www.esasafe.com/aging

Payment for Installation

Unless otherwise agreed upon, the owner is responsible for the costs of the installation of the EVCS regardless of whether the installation is carried out by the owner or the condominium corporation. The owner may also need to be responsible for the operating costs of the systems which would include but not be limited to, the fees for the electricity usage and maintenance.

Disagreements: Mediation and Arbitration

Any disagreement between an owner and a condominium corporation related to the installation of a EVCS must be submitted to private mediation and arbitration. This includes disagreements about the agreement signed by the owner and condominium corporation.

An owner or the condominium corporation must submit a disagreement to private mediation and arbitration within:

- 6 months of receiving the board's response to an application, if the disagreement relates to the board's rejection or proposed alternative installation manner or location; or,
- 6 months after the conclusion of the 90-day period elapsing if the corporation and the owner have not yet entered into an agreement for installation.

If the owner or corporation do not submit the disagreement to mediation or arbitration within this timeframe, the application shall be deemed to be abandoned.

If you have not received a response to your application, there is no deadline for submitting your dispute to mediation and arbitration.

To read more about the requirements and timelines for the installation of an EVCS, please review sections 24.1 to 24.7 of [Ontario Regulation 48/01](#).