

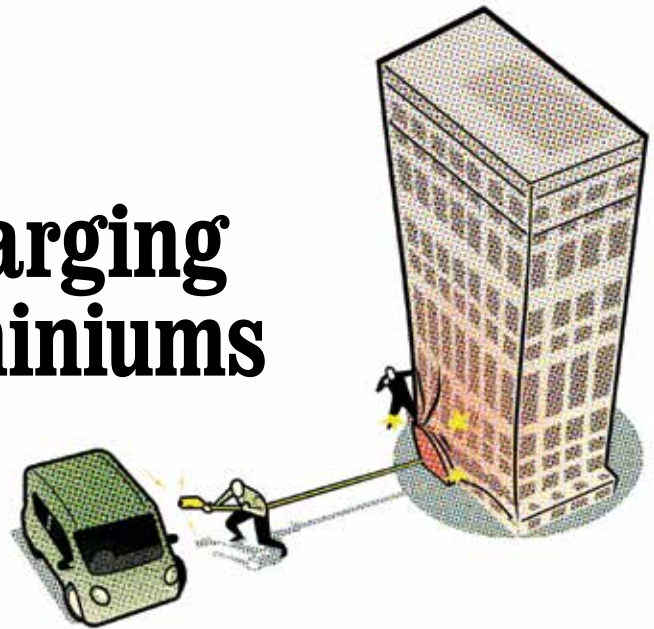


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Electric Vehicles

Electric Vehicle Charging Systems in Condominiums

Why is it So Hard to Get an Electric Vehicle and its Charging System Into a Condominium?



If Elon Musk can put a Tesla into space and get through all the engineering and regulatory logistics, why is it so hard to get an Electric Vehicle (“EV”) and its Electric Vehicle Charging System (“EVCS”) into a condominium? I think if Elon had his way with our Ontario condominiums he would privatize all condominium governance in the same way that he would want with the Tesla Corporation. Fortunately, we have the Condominium Authority of Ontario “CAO” has made a “paint-by-numbers” approach to getting EVCS into a condominium.

As a financial person, I tend to gravitate to decision analysis based on full awareness of costs before venturing into a major decision. The CAO has a helpful Step-by-Step Guide: “Installing Electronic Vehicle Charging Systems” that provided a pathway for both boards and owners in terms of how and whether EVCS can be implemented into the common elements of the corporation. The link to the guide will be included at the end of this article. However what it does not spell out are the poten-

tial costs involved. Many EV purchasers have been sold on the fact that they can charge EVs for about ¼ of the cost of using gasoline and as well as reduced maintenance costs. Those savings may certainly be offset by the costs the owner will bear in order to set up their chargers. However, boards need to also be aware that they will likely have to shoulder costs when either installing it on their own will or when an owner makes an application.

I’m not going to reiterate the CAO’s Step-by-Step Guide however I will refer to it when a cost consideration comes up. If you as a board are contemplating an EV install or if an owner has approached the board with a request, it would be wise to read over the CAO’s Step-by-Step Guide along with this article. This will allow for both parties to assess the EVCS hardware, legal considerations and other timing matters that will be encountered in the process.

There are basically 3 routes to the EVCS install. The Corporation can decide to install the EVCS or the owner requests for

the EVCS to be installed in their parking unit. There could be a hybrid approach where both the Corporation has open and shared spaces for owners and guests to use and owners at the same time have dedicated EVCS in their parking units.

Before I get into some of the nuts and bolts of the cost, I would like to give credit to those that assisted the author with this article. As one can appreciate, it takes a small team to make sure that the EVCS is installed correctly, to code and as well within the corporation’s bylaws, regulations and the Condominium Act.

Thank you to: Mark Marmer of Signature Electric (Marmer) for providing details regarding EVCS install, drawings, specifications etc. Marmer has over 20 years of experience in condominiums and as has been looking after EVCS installations in condominiums since 2012.

Elia Associates, Condominium Lawyers (Elia). Both Patricia Elia and Ashley Winberg have had experience in working with

ILLUSTRATION BY JASON SCHNEIDER

the various applications, agreements and notices required in the EVCS installation process.

Marc Bhalla (Bhalla) specializes in condominium mediation and arbitration. As you will see later, there are options to call in a mediator in the event parties do not come to an agreement.

Installation by the Corporation

With this option, the board on its own will chooses to have an EVCS installation. The corporation must first assess the costs to the corporation for the proposed installation of the EVCS. Since this is an initiative by the board, the cost would typically be the obligation of the corporation and that the board should be aware of the potential costs are parts of that due diligence.

On the hardware side, cost range as follows:
A load evaluation would need to be conducted in the corporation which in simple terms assesses the impact of the EVCS charging on the condo's system voltages. In peak demand, the corporation should still be able to deliver adequate voltage to all the owners as well as the EV units. This

Many EV purchasers have been sold on the fact that they can charge EVs for about ¼ of the cost of what it costs to use gasoline and as well as reduced maintenance costs



cost would be around \$1,000.00

Drawings must be made with the addition of the EVCS that show details plans that the installation is safe. The range varies significantly depending on access and on where the EVCS is installed relative to the main distribution board. The board should estimate a range of \$200.00 to \$2,200.00 for such drawings.

A new EVCS supply panel would also have to be added as part of the installation. The EVCS supply panel has switching and as well power management controls in it to safely charge the vehicles. The board should budget \$15,000.00 for the panel, which would be large enough for 18 chargers with power management on a 2:1 ratio.

The commercial level 2 (240v) charging station looks like a stand that holds 2 chargers (in a 2:1 ratio) that plug into each EV. It generally is more expensive than a residential unit as the EVCS can send information to management wirelessly about charge backs to owners, monitoring of who is charging, analytics etc. These

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type of units generally run from \$3,000.00 to \$5,000.00. If the corporation anticipates setting up 18 chargers on a 2:1 ratio, it will need 9 units running from \$27,000.00 to \$45,000.00.

The labour cost as well varies somewhat based again on the number of EVCS installed, distance from the main electrical distribution board. A fair estimate of the labour costs would run from \$3,000.00 to \$5,000.00.

Once the above assessments of costs have been determined by the corporation then the corporation can take 2 routes with either having the owners vote on the EVCS or not. No voting is required, if the above costs are less than 10% of the annual budgeted common expenses and if the board feels 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. Certainly the 10% rule would be straight forward however assessing whether the EVCS impacts owners in a negative way




There can very well be conflict to be managed in condominium communities surrounding EVs, but exactly how this works varies

is difficult. The board may be better off going for a vote for greater transparency and as well to get owners input.

If the board does choose not to go for a vote, then proper notice containing the following would need to be made to the owners:

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; and,
4. Any other information that the by-laws of the corporation require.


At this point it would be wise to engage a lawyer to handle the paperwork around the notices. A minimum estimate of the fees to prepare the notice in accordance with the above would be \$550.00



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On the other hand, if the corporation decides to go to hold a vote and the owners have requested a requisition meeting, certain legal procedures are required. Again, proper notice containing the following must be made:

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.

The following legal work involved based on the above requirements for disclosure

and the requisition meeting which would include preparation of required notice as described above, review of the requisition meeting required, responding to the requisition, assisting the corporation with calling and holding the requisition meeting, preparation of the requisition meeting and attending and chairing the requisition meeting. At the minimum, one should budget around \$2,750 for the above legals.

Of course the corporation would not have to incur the requisition meeting costs if the owners after 60 days do not request to have such a meeting. The beauty of this regulation is that it requires owners to act to have a meeting otherwise the corporation is free to start the installation after the 60 days without a vote.

Installation by owner

If an individual owner wishes to have his own personal EVCS installed, then they need to submit an application to the corporation in the following form:

1. Be in writing;
2. Identify the owner and the owner's address for service; and,
3. Be signed by the owner submitting

the application, and Include drawings, specifications, or information relating to the proposed installation.

Similar to the installation by the corporation, the cost of the load evaluation would be around \$1,000.00 and drawings and specifications would cost around \$250.00 to \$2,000.00. The owner would also require labour and wiring to the distribution board which would run around \$3,000.00 to \$5,000.00 and as well the EVCS for the individual owner which runs around \$1,000.00

The legal fees to review the application by the owner and determine whether it complies with all applicable legislation would be at minimum \$550.00.

After the submission of the application, the board must respond back to the owner with 60 days as to whether they accept or reject the application. If the board chooses to accept the application, legal fees to draft the response letter to the owner to be at minimum \$550.00.

After the acceptance of the application,

then the condominium corporation and the owner must enter into an agreement. This terms and conditions of the agreement must:

1. Relate to the manner of the installation;
2. Outline how the cost of the installation will be distributed between the owner and the corporation;
3. 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;
4. Specify who will have ownership of the EVCS (and/or its components); and,
5. Relate to the termination of use of the EVCS or the agreement.

The legal fees to draft this agreement and register it on title of the owner would be at minimum \$1,110.00.

In the event that the owner disagrees with the board's written report that the EVCS installation:

1. Will be contrary to any general or special legislation, including the Electrical Safety Code;



Conflict can also arise when an individual within a community starts the journey of purchasing an electric vehicle, only to discover that the process involved – and related costs – are more than they had expected

2. Will adversely affect the structural integrity of the property of the corporation; or,
3. Will pose a serious risk to the health and safety of an individual or damage the property of the corporation.

The owner still has an opportunity to submit a disagreement private mediation and arbitration within certain time frames. I have asked Marc Bhalla some of his experience with EVCS mediation, arbitration as well as cost considerations. His direct comments are as follows:

“From my perspective as a mediator and arbitrator, there can very well be conflict to be managed in condominium communities surrounding EVs, but exactly how this works varies.

Some Boards are concerned about their community's capacity to accommodate future electric vehicle demands. For example, say a condominium complex can only handle 10 charging stations in total. It may not be a problem for the condominium corporation to grant initial requests for installations, but what happens when the number

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Toronto, Ontario

Profile Highlights

Often called *one of Scarborough's best kept secrets*, residents at Camargue II are fortunate to enjoy the perfect location on the eastern fringe of Toronto with its big city amenities, attractions and conveniences, yet bordering the Rouge River Federal Park. Sitting on approximately ten acres of landscaped property, residents enjoy peaceful surroundings in a park-like setting.

Enjoying a property that has had all of its interiors and exteriors, recreation amenities, and building mechanicals fully modernised over the last 10 years, owners can also boast of a well-managed property that has enjoyed a 0% maintenance fee increase in five of the past six years, and has never levied a special assessment on its owners.



Date Built: 1982 - 1983

Condo Style: Highrise (2 towers)

Number of Units: 438

Management Company: Newton Trelawney Property Management Services



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of requests nears or exceeds the total number of charging stations that the premises can service? Some proactive Boards are not waiting until they near or reach their limit to consider this by including such things as time limitations for charging station installations or otherwise embracing a mindset of shared stations in their approach.

Conflict can also arise when an individual within a community starts the journey of purchasing an electric vehicle, only to discover that the process involved – and related costs – are more than they had expected.

Also, an owner should not assume that the condominium Board will automatically grant permission to install an EV charging station (such requests can be rejected, for a variety of reasons). The costs involved surrounding the required agreement to alter common elements as needed for the installation must also be kept in mind. Typically, it is the unit owner who benefits from the alteration who foots the bill, which can serve as a deterrent.

If an owner finds the total cost to be too much and decides to cancel the request, conflict can

arise surrounding who should be responsible for costs already incurred up to that point. Many Boards would consider it unfair to expect all other unit owners to bear cost caused by a sole owner, yet the individual owner may feel it unfair to pay for an installation they ultimately did not see through.

As a conciliatory process, mediation can be helpful when conflict of this nature emerges within a community. The cost of it can vary based on how far along the conflict is, the time needed to mediate and whether legal representation is involved. In the early stages, it may be possible to mediate EV-related concerns for even less than \$500.00 per participant; however, this cost can easily and quickly escalate exponentially based on the specific situation. As is the case with most other types of condominium conflict, costs are often lower the earlier on that the conflict is addressed.

Of course, there is potential for future conflict once an installation has been completed. The Condominium Act requires mediation. Also, the agreement surrounding the EV charger installation can speak to how conflict is handled and there cer-

tainly could be potential for mediation or arbitration to resolve disputes that arise in the future. The cost range here would be no different than the cost of proceeding to mediate or arbitrate any other form of condominium disputes.”

Looking at the above costs as well as the work involved does appear daunting. What should be kept in mind is that the EV movement grows stronger each day. According to a recent Reuter’s article, global carmakers are committing at least \$90 billion in electric vehicle development. If a condominium corporation falls behind on investing EVCS infrastructure, will owners and prospective owner’s thirst for condominiums that don’t have the ECVS infrastructure in place wane? Many of our steel and glass downtown condominiums appeal to those who embrace technology, convenience, as well as modern luxuries. Condominium boards and owners must now consider the long term implications of their decisions with current and future owner’s EVs at stake.

<https://www.condoauthorityontario.ca/en-US/resources/electric-vehicle-charging-station-regulations/step-by-step-guide/>



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