

# Ontario mulling changes to Condo Act in the hopes of increasing electric vehicle adoption

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The Ontario government has unveiled proposed changes to the Condominium Act that would make it easier for condo owners to install electric vehicles charges in their buildings. *SunMedia*

The Ontario government has unveiled proposed changes to the Condominium Act that would make it easier for condo owners to install electric vehicles chargers in their buildings, a move the province hopes will increase sales of electric vehicles.

The proposed regulatory changes, released on Dec. 1, are a part of the government's Climate Change Action Plan, which includes an electric and hydrogen vehicle sales target of five per cent of total car sales in 2020 and a commitment to make it easier to install EV charging stations in existing buildings.

The province has released five proposals and said it is considering implementing "one or more" of the changes.

Among the several changes is a requirement that condo boards approve the installation of an EV charging station if the owner meets certain conditions, a move that the president and chief executive of Plug 'n Drive, a non-profit pushing for accelerated EV adoption, said was encouraging.

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"We're very supportive of anything that makes it a little bit easier for people to plug in, because there are a lot of difficulties right now when it comes to existing condos," Cara Clairman said.

However, Clairman said some of the installation conditions appear to be too onerous. For example, one of the conditions requires the condo owner to obtain and pay for an electrical capacity audit as well as a structural integrity assessment, if the condominium requires it. The condominium could also turn down the request if conditions are not met and if the board determines installation would result in a substantial expense to the building.

Another change includes a new regulation that would exempt EV owners from having to provide notice or approval from condo owners for the installation of charging equipment.

“Some existing buildings were built in a way where it’s cost prohibitive, but there will be buildings where it is feasible. You don’t want the condo board just saying no as a reason not to do it,” Clairman said.

“It doesn’t mean the building has to pay, but they should at least let the people that are willing to pay do it.”

The tentative regulations would also require that condominiums with parking facilities install electrical subpanels for electric vehicles by 2022, and that if five condo owners or five per cent of all units request it, a condo install a minimum of two Level-2 charging stations.

The proposed rules could also make it easier for electric vehicle owners to access charging stations already in existing buildings. Under the current version of the Condo Act, making changes to condominium declarations requires the written consent of between 80 to 90 per cent of condo owners. Ontario’s proposed regulations would lower that threshold to at least 50 per cent for amendments that would require owners to exchange assigned spots to allow EV owners access to charging stations or spaces suitable for charging.

Leor Margulies, head of the real estate group at Robins Appleby LLP, said that while the proposed regulations will make the process of installing an EV charger in a condo building easier, the focus should be on incentivizing developers to include such infrastructure in new buildings.

A Ministry of Municipal Affairs spokesperson said the government consulted on proposed changes to the building code that would require charging equipment in new multi-residential units in the fall and is still considering the comments it received.

The government has asked for public feedback on the proposal, which is scheduled to close on Jan. 2.

The province has embarked on several initiatives aimed at accelerating the adoption of electric vehicles. The government currently offers rebates of up to \$14,000 for electric vehicle buyers through its Electric Vehicle Incentive Program. As of April 1, more than \$46 million has been spent on the EV incentive.

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December 8, 2017

Filed under Transportation – FINANCIAL POST

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