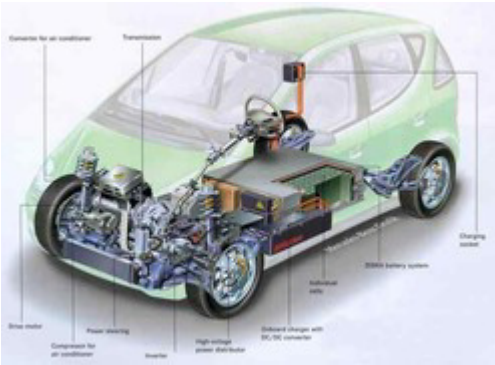




## Viva La Electric Vehicle

By Jason Rivait on November 28, 2011



The electric vehicle (“EV”) [revolution](#) has officially been launched and condominium developers have taken note. Many developers have recognized the invasion of the EV and the impacts this may have on the marketability of a condominium. As a result, some new condominiums are being built with a number of parking spaces that contain roughed-in EV outlets.

New developments have the opportunity to sub-meter EV outlets and clearly set out the responsibilities for maintenance, repair and insurance in the corporation’s declaration. On the contrary, existing condominiums have been created and declarations drafted without any contemplation of the EV. As a result, existing condominium corporations are in the difficult position of determining a number of issues, including the following:

- Will the EV outlets be located in individual parking spaces (which may be unitized or part of the common elements) or will there be shared charging stations in the common elements of the corporation?
- Will changes need to be made to the common elements of the corporation to accommodate the EV outlets and/or charging stations?
- How will the responsibility for installation, maintenance, repair and insurance will be allocated?
- Who will be responsible for the costs of electricity (especially if the condominium is bulk metered)?

Some U.S. States have introduced [legislation](#) to help guide homeowners associations’ with these decisions. In California, new legislation will be coming into force as of January 1, 2012, which allows owners to request use of their parking units and/or exclusive use common areas to install an electric charging station. This legislation will require owners to bear the brunt of the costs for installation, maintenance and insurance. In addition, condominium associations will be allowed to impose certain restrictions with respect to the use of these charging stations. However, these restrictions will have limitations (ie: blanket prohibitions on the use of charging stations will be void).

It will be interesting to see if the Ontario legislature will enact similar legislation, which outlines EV requirements for new and existing condominiums. Until then, and perhaps even thereafter, condominium corporations will be put in the difficult position of having to determine what is best for the condominium community as a whole, best for the environment and feasible (considering most



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existing condominiums declarations' do not contemplate the use of EV outlets and/or charging stations).

It seems that the EV is here to stay. Time will tell how things evolve.

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