



July 2, 2020

Mayor Val van den Broek and Members of Council
City of Langley
20399 Douglas Crescent
Langley BC V3A 4B3

Dear Mayor and Members of Council

Re: Right to Charge - Access to Electric Vehicle charging in multiple unit residential buildings (MURBs)

- Meeting Municipal GHG reduction targets

At the 2019 meeting of UBCM, Resolution B144 entitled “Electric Vehicle Right to Charge Rules” was endorsed by the UBCM membership. Access to EV charging infrastructure in multiple unit residential buildings is an essential requirement for higher EV sales as demand for EVs is reported to be reduced by as much as 40%¹ without access to home charging.

Attached please find a copy of correspondence dated June 26, 2020 to the Minister of Municipal Affairs & Housing regarding a request for “Right to Charge” electric vehicle regulations for British Columbia. The correspondence includes an extensive brief on this subject entitled – “Electric Vehicle Right to Charge Background”.

Without Strata Property and Residential Tenancy electric vehicle “Right to Charge” regulations, British Columbia, and its municipalities will not meet their climate action targets that are dependent upon increasing electric vehicle adoption rates.

We are therefore seeking the support of your municipality in any suitable form, to encourage the passage of the necessary regulations to expeditiously facilitate access to EV charging in multiple unit residential buildings.

Respectfully

David Grove, President,
The Victoria Electric Vehicle Association
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¹ SFU Simon Fraser University - The Canadian Plug in Electric Vehicle Study 2015 <https://sustainabletransport.ca/the-canadian-plug-in-electric-vehicle-study-cpevs/>



VICTORIA EV ASSOCIATION

June 26, 2020

The Honorable Selina Robinson
Minister of Municipal Affairs & Housing
PO Box 9056 Stn. Prov Govt
Victoria, BC V8W 9E2
MAH.Minister@gov.bc.ca

Dear Minister Robinson

Re: - Access to Electric Vehicle charging in multiple unit residential buildings (MURBs) –

A zero taxpayer cost solution to remove an obstacle that will prevent BC from meeting its ZEV sales targets.

British Columbia is a world leader in municipal electric vehicle infrastructure regulations that facilitate the adoption of electric vehicles to address the climate emergency. In 2011 Vancouver was the first City in the world to require EV infrastructure in new residential construction followed by Richmond being first to require 100% residential coverage in 2018. The District of Saanich is on track to become first in the world to tailor EV infrastructure requirements by property use in their zoning bylaw (2020). It would be beneficial if all municipalities amended their zoning bylaws to provide for EV infrastructure in, at least, new residential construction.

BC is also home to the state-of-the-art technology that enables multiple EVs to optimize the sharing of power between EVs and reduce peak building power requirements. Further, BC is also home to the professionals that successfully drafted the changes to the Electrical Codes that were necessary to enable this state-of-the-art EV charging technology. This technology, for the first time, has made large-scale EV charging in MURBs affordable.

However, in BC, there is no requirement for Strata Corporations or apartment landlords to approve access for EV owners to EV charging outlets, either for buildings that already have partial or complete base EV infrastructure¹, or for older buildings that require retrofitting.

With more than 60 percent of the BC urban population in the larger cities living in MURBs, lack of a requirement to enable access to EV charging is a major impediment to EV adoption rates, reducing EV purchasing demand by as much as 40%².

¹ There are a reported 50,000 residential units in Vancouver alone with various degrees of EV readiness

² Simon Fraser University - The Canadian Plug-in Electric Vehicle Study (CPEVS) 2015

Without the ability to charge at home, prospective owners or renters, that otherwise would have purchased an electric vehicle will continue to purchase conventional vehicles.

There is no prospect of British Columbia meeting its ZEV sales targets of 10/30/100% by 2025/2030 and 2040 respectively unless this EV adoption obstacle is removed.

The policy solution to this problem is often referred to as “Right to Charge”. As the Ministry is aware, this has the support of the UBCM that passed a resolution to this effect³ in 2019.

We have many records in our case files of requests for EV charging access in MURBs being summarily rejected by Strata Councils, corporations or landlords. In the infrequent successful cases, approval can typically take years. (references are included in the attached “Backgrounder”)

Some jurisdictions⁴ have addressed the Right to Charge issue with some success but we believe that BC has an opportunity to implement a “Right to Charge” policy that would be more effective and equitable. There would be no mandatory requirement for the Strata or landlords to contribute financially as the infrastructure could be financed entirely by the EV owners that benefit from access to charging outlets. Installations would still qualify for incentive programs depending on the conditions associated with such programs at the time.

The core principles of the suggested “Right to Charge” policy for Stratas⁵ are as follows:

- 1) A Strata Corporation would be required to enter into an agreement with Electric Vehicle owner(s) on the request of an owner or owners provided that:
 - a. The electrical capacity of the building be determined and a long-range strategy for providing as many EV charging spaces as feasible be presented to the Strata.
 - b. There is no requirement (it is optional) for the Strata to contribute financially to the provision of the EV infrastructure.
 - c. EV owner(s) agree to pay up to 100% of the cost of installation, operation, maintenance and all electricity fees.
 - d. Any amortization plan for the financing of the infrastructure be reviewed as to its viability and sustainability by a Professional Accountant
- 2) That there be expeditious approval requirements including time limits for entering into agreements, responding to requests, and final approvals.
- 3) A Strata Corporation would be permitted to levy supplementary Strata fees to individual strata units that agree to such fees in order to amortize the cost of EV infrastructure over a period of years and internal financing (with interest) would be permitted using capital reserve funds⁶. Subsequent additional EV owners would contribute to the original base infrastructure costs resulting in reduced payments for the initial contributors.
- 4) Strata Corporations may only turn down a request to enter into an agreement under the conditions that; the electrical capacity of the building would be exceeded, as certified by a

³ UBCM Resolution B144 (2019)

⁴ Ontario, California, Hawaii

⁵ The BC Strata Property Act and Regulations

⁶ To reduce financing costs and simplify administration

qualified professional or if the installation would compromise the structural integrity of the building, as certified by a qualified professional.

The core principles of the suggested “Right to Charge” policy for Landlords⁷ are as follows:

- 1) No lease agreement shall include provisions that prohibit, or unreasonably restrict, lessee access to EV charging infrastructure or outlets.
- 2) A requirement that the lessor approve a written request in accordance with specified requirements in a timely manner.
- 3) The specified requirements would include the lessee’s responsibilities for installation, operations, maintenance and electricity costs and the lessor’s conditions for making modifications to the property.

We would also suggest that the Ministry give consideration to issuing guidance that would encourage municipalities, that have not already done so, to amend their zoning bylaws to provide for EV infrastructure in new residential construction, thereby significantly reducing the cost of retro-fitting new builds in the future.

We are respectfully requesting the consideration of the above to remove this key obstacle to EV adoption rates in British Columbia, as without timely action, BC’s EV sales targets and municipal GHG reduction targets will not be met.

Respectfully submitted



James Locke, President,
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cc The Honorable John Horgan, Premier of British Columbia, Premier@gov.bc.ca
The Honorable George Heyman, Minister of Environment & Climate Change Strategies,
ENV.Minister@gov.bc.ca
The Honorable Bruce Ralston, Minister of Energy, Mines & Petroleum Resources
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Members of the Legislative Assembly of British Columbia
BC Municipalities with populations of over 25,000
Maja Tait, Chair, UBCM mtait@sooke.ca
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Wendy Wall, President, The Vancouver Island Strata Owners' Association president@visoa.bc.ca

⁷ The BC Residential Tenancy Act (RTA)

Electric Vehicle “Right to Charge” Backgrounder

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Overview

British Columbia is leading the way with electric vehicle (EV) adoption and under the provincial CleanBC plan, the sale of fossil-fueled light duty vehicles is set to be phased out such that all new vehicles sales will be zero emission by 2040.

For many, the deciding factor for buying an EV is whether they will be able to charge on a daily basis. Given that personal vehicles are typically parked at the place of residence for the longest portion of the day, access to charging at home is critical for widespread adoption, making EVs both convenient and affordable.

Access to charging in multi-unit residential buildings (MURBs) like stratas and apartments can be very difficult due to the nature and processes of strata governance and the use of common property and, in the case of apartments, landlord restrictions on EV charger installations. As many as 60% of larger municipality households in British Columbia live in MURBs, where a significant number of residents find it difficult to get access to EV charging infrastructure. This lack of access works directly against the province’s 2040 sales target of 100% zero-emission vehicles.

The Importance of home charging

Given that over 70% of EV charging occurs at home¹, having access to charging at home is critical to EV adoption and countless studies (e.g. [Electrifying Vehicles: SFU’s Canadian PEV Study](#) and [A Review of Consumer Preferences of and Interactions with Electric Vehicle Charging Infrastructure](#)) have demonstrated the linkage between access to home charging and EV sales.

The Province’s light duty vehicle zero emission sales targets of 10/30/100% by 2025/2030/2040 respectively, will not be met without addressing the issue of right of access to EV charging in multi-unit residential buildings

Having some EV infrastructure in place does not guarantee access to charging

Although many progressive B.C. local governments are adopting EV-ready zoning bylaws for new construction (Table 1), the vast majority of the MURBs in BC require either complete retrofitting or various degrees of retrofitting² for EV infrastructure. In the cases of retrofitting, residents are frequently

¹ Charge the North Study <https://www.fleetcarma.com/charge-the-north-summary/>

² There are a reported 50,000 parking spaces in various stages of EV readiness in Vancouver alone.

denied the installation of EV infrastructure by the Strata or landlords. Currently, a supermajority vote of Strata owners is required even if the EV owners are prepared to fully-finance the acquisition, installation, and operation of the EV charging infrastructure. In the case of apartments, landlords are under no obligation to accommodate any requests for access to EV charging even if the tenant is prepared to pay 100% of the cost.

The challenges of deploying electric vehicle charging in multi-unit residential buildings (MURBs)

Approval from strata council and owners

- Under current rules for common property in stratas, a $\frac{3}{4}$ strata majority is needed to pass a bylaw to allow the installation and use of EV infrastructure. Strata Councils and owners can, and with few exceptions, vote without cause, against strata resolutions for EV charging infrastructure and access.
- Strata owners prefer not to call Special General Meetings (SGMs) to vote to install EV infrastructure, and the inconvenience could bias owners into voting against such a motion. As a result, the few resolutions that get to this stage are generally limited to Annual General Meetings (AGMs). This leads to long delays (years) for EV charging infrastructure project decisions.
- Currently, it is the strata council and its owners who ultimately determine if a strata owner can install a charging station, even if the EV owner(s) are willing to pay 100% of the cost.
- Through the “tragedy of the commons” it can be difficult to gain the necessary votes to install infrastructure, when other strata owners do not own, or lack interest in, or do not understand, electric vehicles.

Approval from Landlords

- There are currently no requirements in the BC Residential Tenancy Act or Regulations that either; prohibit landlords from including prohibitions of EV charging in standard leasing agreements, or require access if the lessee is prepared to pay the installation cost for the EV charging equipment.
- Although EV charging demand and associated market forces may eventually incentivize more landlords to provide EV infrastructure access, there is an immediate need to ensure that tenants who wish to purchase an electric vehicle can, at their option, and under reasonable conditions, gain access to EV charging infrastructure. Particularly if that all that is required is access to existing low-cost charging outlets³
- The California tenancy model⁴ provides an example of the terms and conditions under which EV charging access can be structured to include the interests of both the landlord and the lessee.

Experience from provincial incentive programs

- In the province's 2017 MURB incentive program, even with a rebate of 75% of costs (up to \$4,000) for the installation of EV chargers, the top reason for applicants to withdraw from the program was their inability to secure the necessary strata votes to proceed with projects.⁵
- The 2018 Charging Solutions and Incentives program application was updated to require project approval from the authorized body (e.g. strata or building owner) in advance of applying, to

³ Such as existing 120 Volt wall receptacles with dedicated circuit upgrades

⁴ California Assembly Bill 2565 Chapter 529 (2014)

⁵ Plugin BC MURB incentive program administrator

reduce the number of expected withdrawals. A number of would-be applicants had to withdraw from the program because they were unable to secure the necessary strata votes to proceed with their projects.⁶

- In both programs, Plugin BC, the program’s administrator, collected data on applicants who were initially approved for funding but withdrew their application. The reasons cited for withdrawn applications include (see Appendix A for testimonials from BC EV owners):
 - Nearer-term financial priorities (e.g. building repairs).
 - An unwillingness to subsidize, or be perceived to be subsidizing, a project that benefits one, or just a few, strata members.
 - Lack of clarity on who pays, and how costs are recovered.
 - Tendency to be risk adverse; uncertainty or lack of understanding makes it easiest to say “no”.
 - Strata council not seeing EV charging as a priority, and postponing or not bringing the resolution to a vote at the AGM.
 - The disposition of individual strata residents.
- In cases where applicants were successful, applicants clearly laid out how they would cover expenses and responsibility for the infrastructure installation. This may suggest that stratas may be agreeable to the installation of EV infrastructure, as long as all the costs are borne by the EV owner(s) and/or the terms and conditions are properly defined. Properly drafted right-to-charge could achieve this condition.⁷

The Solution: Right-to-charge legislation

- Other jurisdictions have dealt with this issue by passing what is known as “Right-to-charge” amendments to their respective Strata/Condo and Residential/Tenancy Acts.
- This legislation outlines the conditions under which an installation and management of EV charging can occur and sets the rights and responsibilities of EV owners for EV charging infrastructure.
- Right-to-charge legislation exists in:
 - Ontario, Canada—O. Reg. 114/18, s. 8
 - California—CA Assembly Bill AB2565
 - Colorado—CO Senate Bill SB13-126
 - Oregon—2015 ORS 94.762
 - Hawaii—HRS 196-7.5
 - Florida—HB 841
- Some common elements for legislation include:
 - A process and requirements for Condo/ Homeowners’ Association/Strata owner(s)/Landlords to make an installation application.
 - An agreement between EV owners and the Condo/HOA/Strata/Landlord
 - Timelines in which building owners must respond to the EV owners’ request and completion of agreements.

⁶ Plugin BC MURB incentive program administrator

⁷ Plugin BC MURB incentive program administrator

- Responsibility for installation and operational costs covered by the EV owner(s) and/or strata/landlord.
- Clear and consistent definitions of what constitutes a reasonable denial.
- Responsibility for maintenance, insurance, and removal.
- Process for dispute resolution.
- Ability for the property owner (Strata/Condo/HOA/Landlord) to propose reasonable modifications (e.g. to support energy management)

British Columbia has the opportunity to join these leading jurisdictions by updating the Strata Property Act and the Residential and Tenancy Acts and Regulations to address the barriers identified above and enable a fairer and faster process for EV owners living in MURBs to access EV charging. Effective Right-to-charge legislation will clear the way to removing this obstruction to meeting the Province's EV sales and GHG emission targets.

Stories from British Columbia EV Owners and Prospective Owners

The following are excerpts of responses when current EV owners and prospective owners were asked what challenges they faced in trying to get access to EV charging in their MURB.

- "A strata council executive member dissuaded me from applying for a station at one of my three business parking spaces as there was no chance of it passing the council."
- "Property management is our main customer base and I have heard on numerous occasions that a strata's demographic is a hurdle in getting car chargers approved "
- "I tried a little more than a year ago, went through several things to get as accurate info as I could, arranged for a rep from *[a supplier]* to talk to strata, a second resident got a new EV, and her son paid to have her own install. Since then I have been told I have to charge off site."
- "Despite my offer to pay for electrical work and power consumption and a letter from *[a mayor of a municipality]* offering financial assistance as a pilot project for the city. They thought it was unfair to provide access to an outlet for one person, when they could not make that exception for everyone in the building They would rather say no, than discuss a solution."
- "They were confused about costs, and unaware of level 1 vs level 2, quoting \$50,000 costs, despite me only asking for access to a 110V outlet."
- "I had one property management company approve my use of an outlet, and then shut off power to the entire parkade, claiming their hydro bill went up by hundreds of dollars a month."
- "One claimed that my using an existing 110V outlet (I offered to pay to run a dedicated line to it) was a significant change in use and would require an SGM to vote on it."
- "...my Strata is against me plugging the car to any outlet, their main point is 'who is going to pay for the electricity and how'?"
- "I cannot even get a meeting with the (Strata) Council."

Table 1: List of BC municipalities with EV-ready requirements for multi-unit residential buildings (MURBs)

Municipality	Residential Requirement	Policy type
City of Burnaby	100% stalls energized	Zoning bylaw 13903, No 24
City of Coquitlam	1 stall per dwelling unit	Zoning bylaw 4897
Township of Langley	100 % residential stalls	Zoning Bylaw 2500
City of New Westminster	100% stalls energized	Zoning bylaw amendment 8040
City of North Vancouver	20% stalls L2; capacity for remaining 80%	Sustainable Development Guidelines
City of Port Coquitlam	100% stalls “roughed in”	Zoning bylaw 3630, No. 4035
City of Port Moody	100% residential stalls	Zoning Bylaw 2937
City of Richmond	100% stalls energized	Zoning bylaw 8500
City of Victoria	100% stalls energized (pending 07/20)	Bylaw 20-001 and 20-075
City of Vancouver	100% stalls energized	Building bylaw 10908
District of Saanich	100% dwelling energized (pending 07/20)	Zoning Bylaw 8200
District of Squamish	30% off-street parking	Zoning bylaw 2200, No. 2569
City of Surrey	100% residential stalls	Zoning Bylaw 12000
City of Port Moody	100% stalls energized	Zoning Bylaw 2937

Compiled by:

The Victoria Electric Vehicle Association, Victoria, BC

June 11,2020