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Legislative Assembly of British Columbia

BILL 22

STRATA PROPERTY AMENDMENT ACT, 2023

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Explanatory Notes

CLAUSE 1: *[Strata Property Act, section 1]* adds definitions of “electric vehicle”, “EV charging infrastructure” and “motor vehicle”.

CLAUSE 2: *[Strata Property Act, section 35]* requires strata corporations to retain copies of electrical planning reports and other reports related to EV charging infrastructure.

CLAUSE 3: *[Strata Property Act, section 71]* sets a majority voting threshold for a resolution to approve significant changes in the use or appearance of common property or land that is a common asset if the changes are made for certain purposes related to EV charging infrastructure.

BILL 22 – 2023

STRATA PROPERTY AMENDMENT ACT, 2023

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

1 Section 1 (1) of the Strata Property Act, S.B.C. 1998, c. 43, is amended by adding the following definitions:

“**electric vehicle**” means a motor vehicle that is a plug-in hybrid or fully electric;

“**EV charging infrastructure**” means equipment that is capable of supplying electricity to charge the battery of an electric vehicle;

“**motor vehicle**” means a motor vehicle within the meaning of the *Motor Vehicle Act*, but does not include a motor vehicle in a prescribed class of motor vehicles; .

2 Section 35 (2) is amended by adding the following paragraphs:

(n.3) any electrical planning reports obtained by the strata corporation under section 94.1;

(n.4) any reports obtained by the strata corporation respecting the installation or operation of EV charging infrastructure or the management of electricity used by EV charging infrastructure; .

3 Section 71 is repealed and the following substituted:

Change in use of common property

71 Subject to the regulations, the strata corporation must not make a significant change in the use or appearance of common property or land that is a common asset unless

(a) there are reasonable grounds to believe that immediate change is necessary to ensure safety or prevent significant loss or damage, or

(b) the change is approved by a resolution passed at an annual or special general meeting

(i) by a majority vote, in the case of a change that is related to the installation of EV charging infrastructure or the management of electricity used by EV charging infrastructure, or

(ii) by a 3/4 vote, in the case of any other change.

CLAUSE 4: *[Strata Property Act, section 76]* allows a strata corporation to grant a permission or privilege in relation to a parking stall for a period of more than one year, if any such period is set out in the regulations.

CLAUSE 5: *[Strata Property Act, section 82]* authorizes the strata corporation to acquire personal property for the purposes of making an alteration to common property at an owner's request under section 90.1, as added to the Act by this Bill.

CLAUSE 6: *[Strata Property Act, section 82]* sets a majority voting threshold for a resolution to approve the strata corporation's acquisition or disposal of personal property for certain purposes related to EV charging infrastructure.

CLAUSE 7: *[Strata Property Act, Division 6 of Part 5]* adds a new Division to the Act that does the following:

- allows owners to request the strata corporation's approval of an alteration to common property or land that is a common asset if the alteration is necessary to install EV charging infrastructure;
- authorizes the strata corporation to approve the request if certain conditions are met and prohibits the strata corporation from unreasonably refusing the request;

4 Section 76 (2) is repealed and the following substituted:

- (2) A permission or privilege under subsection (1) may be
 - (a) made subject to conditions, and
 - (b) given for a period of not more than
 - (i) one year, or
 - (ii) in the case of a permission or privilege given in relation to a parking stall in a prescribed class of parking stalls, any longer period set out in the regulations.

5 Section 82 (1) is repealed and the following substituted:

- (1) The strata corporation may acquire personal property
 - (a) for the use of the strata corporation, and
 - (b) for the purposes of making an alteration referred to in Division 6.

6 Section 82 is amended

(a) in subsection (3) by striking out “by a 3/4 vote”, and

(b) by adding the following subsection:

- (3.1) The resolution referred to in subsection (3) must be passed
 - (a) by a majority vote, in the case of personal property acquired or disposed of for a purpose related to
 - (i) the installation, operation, maintenance or repair of EV charging infrastructure, or
 - (ii) the management of electricity used by EV charging infrastructure, or
 - (b) by a 3/4 vote, in the case of personal property acquired or disposed of for any other purpose.

7 The following Division is added to Part 5:

**Division 6 – Alterations to Common Property to Install
EV Charging Infrastructure for Owner**

Owner request for approval of alterations

- 90.1** (1) An owner may request that the strata corporation approve proposed alterations to common property, or to land that is a common asset, that are necessary for the purposes of installing EV charging infrastructure for use at a parking stall.

CLAUSE 7: *[Strata Property Act, Division 6 of Part 5 – continued]*

- allows the strata corporation to require the owner to agree to reasonable conditions of an approval;
- provides that the strata corporation may make the alteration or allow the owner to make the alteration;
- establishes default rules respecting
 - the owner’s responsibility for expenses associated with the alteration, and
 - the owner’s responsibility to make payments to the strata corporation if the strata corporation makes the alteration on the owner’s behalf.

- (2) A request under subsection (1) must
 - (a) include the prescribed information, if any,
 - (b) be made on or after the date determined in accordance with the regulations, and
 - (c) comply with any other requirements set out in the regulations.

Consideration of owner request by strata corporation

- 90.2** (1) The strata corporation may approve an owner's request made under section 90.1 if
- (a) the proposed alteration, to the extent that it constitutes a significant change in the use or appearance of common property or land that is a common asset, has been approved by a resolution in accordance with section 71 (b), and
 - (b) the strata corporation is satisfied that all of the criteria set out in subsection (2) are met.
- (2) The criteria referred to in subsection (1) (b) are as follows:
- (a) the proposed EV charging infrastructure is in a prescribed class of EV charging infrastructure;
 - (b) if the parking stall is common property or located on land that is a common asset, at the time the request is made, the owner has a right, permission or privilege to use the parking stall to the exclusion of other owners;
 - (c) any prescribed criteria.
- (3) Without limiting the strata corporation's discretion under subsection (1), in deciding whether to approve an owner's request, the strata corporation may consider the following matters:
- (a) the compatibility of the proposed EV charging infrastructure with
 - (i) existing EV charging infrastructure in the strata corporation,
 - (ii) other EV charging infrastructure that may be installed by the strata corporation or another owner, and
 - (iii) any system the strata corporation uses, or plans to use, to manage electricity used by EV charging infrastructure;
 - (b) the capacity of, and current and anticipated demands on, the strata corporation's electrical system;
 - (c) any prescribed matters.
- (4) The strata corporation must not unreasonably refuse to approve an owner's request made under section 90.1.

CLAUSE 7: *[Strata Property Act, Division 6 of Part 5 – continued]*

- (5) The strata corporation may require the owner to agree in writing to reasonable conditions of an approval, including, without limitation, conditions requiring the owner to
 - (a) obtain the strata corporation’s approval of EV charging infrastructure, contractors, materials or other matters related to the alteration,
 - (b) modify or replace the proposed EV charging infrastructure in the event that the strata corporation installs other EV charging infrastructure for the benefit of the owners, or
 - (c) if more than one owner makes the request, accept joint and several liability for expenses associated with making the alteration or for other costs.
- (6) The strata corporation must decide whether to approve an owner’s request within the prescribed period, if any, after receiving the request.

If owner request approved

- 90.3** (1) If, on request of an owner under section 90.1, the strata corporation approves a proposed alteration to common property or land that is a common asset,
- (a) the strata corporation may
 - (i) make the alteration, or
 - (ii) allow the owner to make the alteration, and
 - (b) the owner is responsible for any expenses associated with making the alteration, unless otherwise agreed between the owner and the strata corporation.
- (2) If the strata corporation makes the alteration, the owner must, unless otherwise agreed between the owner and the strata corporation, do the following:
- (a) before the strata corporation makes the alteration, pay to the strata corporation an amount that, in the opinion of the strata corporation, is sufficient to cover all expenses associated with making the alteration;
 - (b) if the amount referred to in paragraph (a) is insufficient to cover all expenses associated with making the alteration, pay to the strata corporation on request any amounts required to cover the remaining expenses.
- (3) If the amount paid by an owner to the strata corporation under subsection (2) (a) or (b) exceeds the amount required to cover expenses associated with making the alteration, the strata corporation must pay the excess amount to the owner.
- (4) For certainty, the installation of EV charging infrastructure as a result of an alteration made at an owner’s request under this Division does not affect any person’s rights, permissions or privileges in relation to the use of a parking stall.

CLAUSE 8: *[Strata Property Act, section 92]* extends the purposes of the strata corporation's operating fund to cover expenses necessary to obtain an electrical planning report.

CLAUSE 9: *[Strata Property Act, section 94.1]* requires strata corporations to obtain an electrical planning report and authorizes regulations that set out timing and other rules respecting electrical planning reports.

CLAUSE 10: *[Strata Property Act, section 96]* sets a majority voting threshold for a resolution to approve certain expenditures from the contingency reserve fund that are related to EV charging infrastructure.

CLAUSE 11: *[Strata Property Act, section 96]* sets a majority voting threshold for a resolution to approve expenditures from the contingency reserve fund that are necessary to obtain an electrical planning report and other reports related to EV charging infrastructure.

8 *Section 92 (a) is amended by striking out “or” at the end of subparagraph (i), by striking out “and” at the end of subparagraph (ii) and substituting “or” and by adding the following subparagraph:*

(iii) are necessary to obtain an electrical planning report under section 94.1, and .

9 *The following section is added:*

Electrical planning report

- 94.1** (1) In this section, “**qualified person**” has the meaning set out in the regulations.
- (2) Subject to the regulations, a strata corporation must obtain from a qualified person, on or before the dates determined in accordance with the regulations, an electrical planning report.
- (3) An electrical planning report referred to in subsection (2) must contain the information set out in the regulations.

10 *Section 96 (b) (i) is amended*

(a) in clause (A) by striking out “or” at the end of subclauses (I) and (II) and by adding the following subclauses:

- (III) related to the installation of EV charging infrastructure or the management of electricity used by EV charging infrastructure, or
- (IV) necessary to obtain a report respecting the installation or operation of EV charging infrastructure or the management of electricity used by EV charging infrastructure, or , **and**

(b) in clause (B) by striking out “clause (A) (I) or (II)” and substituting “clause (A) (I) to (IV)”.

11 *Section 96 (b) (i) is amended*

(a) in clause (A) by striking out “or” at the end of subclause (III) and by repealing subclause (IV) and substituting the following:

- (IV) necessary to obtain an electrical planning report under section 94.1, or
- (V) necessary to obtain any other report respecting the installation or operation of EV charging infrastructure or the management of electricity used by EV charging infrastructure, or , **and**

(b) in clause (B) by striking out “clause (A) (I) to (IV)” and substituting “clause (A) (I) to (V)”.

CLAUSE 12: *[Strata Property Act, section 292]* authorizes the Lieutenant Governor in Council to make regulations for the purposes of provisions added to the Act by this Bill in relation to parking stalls and EV charging infrastructure.

CLAUSE 13: *[Strata Property Act, section 292]* authorizes the Lieutenant Governor in Council to make regulations for the purposes of the definition of “motor vehicle”.

CLAUSE 14: *[Strata Property Act, section 292]* authorizes the Lieutenant Governor in Council to make regulations respecting electrical planning reports.

12 Section 292 (2) is amended by adding the following paragraphs:

- (j.1) specifying a period of more than one year and prescribing classes of parking stalls, for the purposes of section 76 (2) (b) (ii);
- (k.1) for the purposes of section 90.1 (2),
 - (i) respecting information to be included in a request,
 - (ii) respecting the determination of dates on or after which a request must be made, and
 - (iii) establishing requirements respecting a request;
- (k.2) prescribing classes of EV charging infrastructure for the purposes of section 90.2 (2) (a);
- (k.3) prescribing criteria for the purposes of section 90.2 (2) (c);
- (k.4) prescribing matters for the purposes of section 90.2 (3) (c);
- (k.5) prescribing a period for the purposes of section 90.2 (6); .

13 Section 292 (3) is amended by adding the following paragraph:

- (a.01) prescribing classes of motor vehicles for the purposes of the definition of “motor vehicle” in section 1; .

14 Section 292 (3) is amended

(a) in paragraph (a.1) by striking out “section 94 (1) or 103 (6)” and substituting “section 94 (1), 94.1 (1) or 103 (6)”, and

(b) by adding the following paragraphs:

- (a.41) respecting electrical planning reports referred to in section 94.1 (2), including
 - (i) any circumstances in which a strata corporation need not obtain or may defer obtaining an electrical planning report,
 - (ii) the determination of dates on or before which a strata corporation must obtain an electrical planning report, and
 - (iii) the form and content of electrical planning reports and the standards and methodologies to be used in them;
- (a.42) prescribing information for the purposes of section 94.1 (3), including, without limitation, information respecting
 - (i) the qualified person from whom an electrical planning report under section 94.1 is obtained,
 - (ii) the capacity of, and current and anticipated demands on, the strata corporation’s electrical system, and

CLAUSE 14: *[Strata Property Act, section 292 – continued]*

- (iii) the location, installation, operation and maintenance of EV charging infrastructure in the strata corporation, including, without limitation, information respecting
 - (A) the management of electricity used by EV charging infrastructure,
 - (B) the estimated cost of installing, operating or maintaining EV charging infrastructure, and
 - (C) upgrades to the strata corporation’s electrical system required to install and operate EV charging infrastructure; .

Commencement

15 The provisions of this Act referred to in column 1 of the following table come into force as set out in column 2 of the table:

Item	Column 1 Provisions of Act	Column 2 Commencement
1	Anything not elsewhere covered by this table	The date of Royal Assent
2	Section 2	By regulation of the Lieutenant Governor in Council
3	Sections 4 and 5	By regulation of the Lieutenant Governor in Council
4	Sections 7 to 9	By regulation of the Lieutenant Governor in Council
5	Sections 11 and 12	By regulation of the Lieutenant Governor in Council
6	Section 14	By regulation of the Lieutenant Governor in Council