

Sample Electric Vehicle Charging User Agreement and By-law

Part 1 – Flat Rate Annual Convenience Fee User Agreement

This User Agreement allow a resident to charge their electric vehicle using the existing general power outlets in the common areas of the carpark. The resident pays for the use of electricity through an annual fee, based on their estimated typical driving distances per year, rather than metered electricity consumption. The information contained in this document is provided for general information only; it is not a substitute for legal advice.

STRATA PLAN/COMMUNITY TITLES SCHEME [Number] – [Name]

USER AGREEMENT [DATE]

WHEREAS The Owners, Strata Plan/Community Titles Scheme [_____] (the “Owners Corporation”) proposes to grant to the undersigned resident(s) of Lot #___ (the “User”) the right to use general power outlets located on common property in the car parking area (the “Charging Equipment”) on the terms and conditions set out in this Agreement.

For good and valuable consideration, the User agrees:

1. To pay to the Owners Corporation a user fee of \$[_____] per year in advance, on the 1st day of the month following commencement of electric vehicle charging, or such other amount as may be approved in a by-law or in a rule that has been ratified (the “User Fee”);
2. To at all times comply with the by-laws of the Owners Corporation;
3. To use the Charging Equipment in accordance with all applicable laws and regulations;
4. Not to do anything which may cause damage to the Charging Equipment;
5. To indemnify and save harmless the Owners Corporation for any cost, loss, or damage to the Charging Equipment caused by the User;
6. If the User fails to pay the User Fee in accordance with Section 1 above, the Owners Corporation will terminate this Agreement and the User will immediately cease using the Charging Equipment;
7. The User will not permit any person other than the User to use the Charging Equipment; and
8. This Agreement is not assignable by the User.

User: _____ (Resident)

Owners Corporation: _____ (Agent, on behalf of Strata Plan [Number])

Date: _____

Part 2 - Electric Vehicle Charging Bylaw for Charging in Exclusive Stalls

This by-law allows residents to install and use electric vehicle charging equipment from their car manufacturer in the common area carpark. Point 5 of the by-law limits residents charging equipment to single phase 16 Amp charging. The information contained in this document is provided for general information only; it is not a substitute for legal advice.

STRATA PLAN/COMMUNITY TITLE SCHEME [Number – Name]

ELECTRIC VEHICLES BY LAW

PREAMBLE: The Owners, Strata Plan/Community Title Scheme [Number] (the “Owners Corporation”) proposes to amend its by-laws to allow for the use and charging of electric vehicles by owners, occupants, and tenants who own electric vehicles.

BE IT RESOLVED by a special resolution that:

The by-laws of the Owners Corporation be amended to add the following as By-law [Number]: ____

- a. An owner (the “EV Owner”) who has the exclusive use of a parking stall (the “EV Parking Stall”) may request written consent from the Strata Committee to install electrical supply, distribution and an associated electrical outlet accessible to the EV Parking Stall for the purpose of charging an electric vehicle in the EV Parking Stall. In making such request, the EV Owner will provide to the Strata Committee a written description of the proposed charging equipment (the “Charging Equipment”), the proposed design and installation, and any other documents or plans requested by the Strata Committee;
- b. The Strata Committee will grant consent pursuant to (a) above provided that:
 - i. The Strata Committee is of the opinion that its existing systems will support the Charging Equipment; and
 - ii. The EV Owner signs an Alteration and Indemnity Agreement on terms to be determined by the Strata Committee, including the following:
 1. The EV Owner will pay for all costs related to the installation of the Charging Equipment and will pay for the cost of all future repairs, maintenance, and upgrades to the Charging Equipment;
 2. The EV Owner will obtain all necessary permits;
 3. The EV Owner will comply with all applicable laws;
 4. The EV Owner will comply with all by-laws of the Owners Corporation;
 5. The EV Owner will retain qualified contractors for the purpose of installing the Charging Equipment and instruct them to install the equipment at single phase 16 amps; and
 6. The EV Owner will indemnify and save harmless the Owners Corporation for any costs, loss or expense of whatever kind which the Owners Corporation may sustain in connection with the installation and use of the Charging Equipment;
- c. Upon installation of the Charging Equipment:
 - i. If in the opinion of the Strata Committee the Charging Equipment can be removed with minimal damage to the common property, the EV Owner will be the owner of the Charging Equipment, and:

1. may remove the Charging Equipment at any time; and
2. will remove the Charging Equipment upon sale of the strata lot owned by the EV Owner provided that the EV Owner will promptly restore any damage to the common property upon such removal of the Charging Equipment

ii. If in the opinion of the Strata Committee the Charging Equipment cannot be removed without damaging the common property, the Owners Corporation will be the owner of the Charging Equipment and any wiring required for the purpose of the Charging Equipment will be owned and maintained by the Owners Corporation;

d. All electricity costs of the Owners Corporation with respect to the Charging Equipment will be dealt with as follows:

i. [determined by direct metering of the power consumed using internal metering available in some charging station models or a dedicated revenue grade meter]

ii. The Owners Corporation will charge to the EV Owner a user fee in the amount of \$[_____] per annum and in advance on account of the use of electricity with respect to the Charging Equipment estimated for each EV owner based on his/her estimated annual kilometres and using an electricity cost estimate

2. To the extent that the installation of the Charging Equipment and use of the EV Parking Stall constitutes a significant change to the use or appearance of the common property, such change is approved in accordance with Strata Schemes Management Act 2015.