

### The Agenda for an Annual General Meeting Special General Meeting

The agenda is determined by the Standard Bylaws of the *Strata Property Act*, or by the amended by the of the strata corporation. If the strata corporation amends the agenda requirements for general meeting, they must also review the minimum requirements set out by the Act and Regulations. Items such as approval of the annual budget, bylaw amendments, scheduled contingency expenses, report on insurance, approval of

special levies, election of council and court actions still require the approval of the owners at general meetings to ensure the strata corporation, council and strata manager have the authority to proceed. Standard bylaw 28 agenda from the Schedule of Standard bylaws sets the order of business and notice requirements for general meetings.

#### Sample Agenda – Annual or special general meeting or petitioned special general meeting or agenda item

**28** The order of business at annual and special general meetings is as follows:

- (a) certify proxies and corporate representatives and issue voting cards;**
  - establishes the registration process prior to call the meeting to order
- (b) determine that there is a quorum;**
  - the meeting is called to order by and announce the calculation of the quorum present as set out by the Act or bylaws of the strata. The quorum number and the time the meeting is called to order are minuted. There is no vote required to proceed with the meeting if a quorum is present.
- (c) elect a person to chair the meeting, if necessary;**
  - closely review the bylaws of the strata corporation before electing a person to chair the meeting. The president of council or the vice president of council generally chairs meeting, without elect. Any other party must be elected by majority vote of the owners present at the meeting in person or by proxy.
- (d) present to the meeting proof of notice of meeting or waiver of notice;**
  - this is a report to the owners and no vote is required. The method of notice and when the notice was issued must be recorded in the minutes.
- (e) approve the agenda;**
  - Section 45 of the Act requires that matters to be voted, including the wording of any  $\frac{3}{4}$  votes must be included with the notice. By default this implies a strata corporation may not add new agenda items that were not given notice of. This would also include any petition items under section 43 of the Act, which must be dealt with before any other matters are addressed, once the establishing procedures of the meeting are complete. Section 46 permits owners by 20% to demand an agenda item be added to the next general meeting convened by the strata corporation, and must be included on the agenda of the next general meeting with no specified priority.
- (f) approve minutes from the last annual or special general meeting;**
  - the approval of the minutes of the previous general meeting assumes that the minutes have at some point since that meeting been distributed for the owners approval. This item requires a majority vote, and errors or omissions may be corrected as part of the minutes of the currently convened meeting if the owners agree by unanimous consent or by majority vote if necessary.
- (g) deal with unfinished business;**
  - the only time unfinished business arises on an agenda is when there are resolutions or required agenda items that were not completed at a previous general meeting. For example: Section 104, if the annual budget is not approved at the Annual General Meeting, the strata must hold an Special General Meeting within 30 days ( or a period approved by  $\frac{3}{4}$  vote of the owners ) or a resolution from a previous meeting could not be voted on due to missing information or an error, and the owners voted to postpone the resolution to the next general meeting, in order that it may be corrected.

**(h) receive reports of council activities and decisions since the previous annual general meeting, including reports of committees, if the meeting is an annual general meeting;**

- The strata may deliver reports with the notice package or reports may be part of the agenda and may listed as agenda items. There is no vote on reports, but summaries of the information or copies of the reports are often included in the minutes of the meeting for the information of the owners.

**(i) ratify any new rules made by the strata corporation under section 125 of the Act;**

Any rules passed by the strata council during the year must be ratified by majority vote at the next general meeting of the strata corporation or cease to have effect. The decision is by majority vote.

**(j) report on insurance coverage in accordance with section 154 of the Act, if the meeting is an annual general meeting;**

Insurance is a report and does not require a vote. To confirm that owners, tenants and occupants have the correct insurance information, with notice provide a copy of the insurance summary page detailing coverage, deductibles and cost and the name of the insurance broker.

**(k) approve the budget for the coming year in accordance with section 103 of the Act, if the meeting is an annual general meeting;**

- budget notice and financial requirements are determined in accordance with sections 102-107 of the Act and Regulation 6.6 and 6.7 and the bylaws of a strata corporation. The annual budget requires a majority vote, and prior to voting on the budget it may be amended by majority vote.

**(l) deal with new business, including any matters about which notice has been given under section 45 of the Act;**

- new business is the opportunity for the council and the owners who have petitioned by 20% to include items with the notice. They are typically items relating to bylaw amendments, repairs, special levies, court actions, use of property, and frequently involve  $\frac{3}{4}$  vote resolutions. The exact wording of a  $\frac{3}{4}$  vote resolution must be included with the agenda.

**(m) elect a council, if the meeting is an annual general meeting;**

-before electing council review the bylaws of your strata corporation to determine who is eligible for council, how council are elected, the term they are elected for and the number of council members required. Council election is determined by majority vote.

**(n) terminate the meeting.**

-the meeting is terminated when the business of the strata corporation notice is complete. The termination requires a majority vote and the time of the termination of the meeting may be recorded in the minutes. Before the meeting is terminated review whether any ballots were used during the proceedings of the meeting and whether they should be destroyed (a decision by majority vote) or if they should be retained for the record. If they are retained, seal them in an envelope and identify in the minutes the location of storage for future access.

**When the meeting is complete**

It is beneficial for the chairperson of the meeting to review the minutes of the meeting, decisions, and matters that arose with the secretary to verify that the information recorded is accurate. If exact counts were requested, compare the recorded information. It is much easier to resolve a variance when the information is still fresh and the parties are present.

**Sample Minutes**  
**Minutes of the Annual General Meeting: The Owners, Strata Plan LMS 9999**

Date of the meeting: March 15<sup>th</sup> 2015

1. Certification of proxies and issue of voting cards conducted by John Doe property manager and Jill Hill, secretary of council. Eligible voters: 150
2. Quorum at 7:15pm registration was complete and there were 44 owners present in person and 25 by proxy, totally 69 eligible voters present. A quorum is 1/3 of eligible voters being 50.
3. The meeting called to order by the President of council at 7:15pm
4. The president requested a motion of the owners to elect John Doe the property manager to chair the meeting so he could speak freely on resolutions.  
Move SL 44, 2<sup>nd</sup> SL 23 Carried by majority vote, none opposed
5. Proof of notice: The notice was mailed to the owners on February 23, 2015
6. Approve the agenda: The chairperson indicated to the owners that the report on insurance is not published on the agenda, however, the insurance documents were included with the notice and that they be included on the agenda. A motion to vote on the agenda to include the report on insurance under reports.  
Move SL 21, 2<sup>nd</sup> SL 17 Carried by majority vote, none opposed
7. Approve the minutes of the AGM March 4, 2014  
Move SL 44, 2<sup>nd</sup> SL 5 Carried by majority vote, none opposed
8. No unfinished business from a previous meeting.
9. The garden committee report on the pine trees was received.
9. b) The report on insurance was issued by the John Doe with a copy of the notice about home owner insurance to be included with the minutes of this meeting.
10. There were no new rules include with notice.
11. Approve the budget for the coming year. The treasurer David Bean reviewed the financial reports for the year ending January 31, 2015. The strata has a slight surplus of \$12,000 and council is recommending the surplus be transferred to the contingency reserve fund.  
Move SL 10, 2<sup>nd</sup> SL 14 Carried by majority vote  
Motion to approve the budget: Move SL 44, 2<sup>nd</sup> SL 23  
The owners discussed the budget and confirmed the approved budget this year would result in a 13% increase in strata fees with the largest increase being the contribution to the contingency reserve fund to plan for the roof renewals in 2018. Carried by majority vote
12. New Business:  
"the owners by majority vote approve the expense of \$2,500 to be expended from the contingency reserve fund for the consultant report on roofing as recommended by the depreciation report."  
Move by SL 44, 2<sup>nd</sup> by SL 19 Carried by majority vote
13. Election of Council. John Smith, Karen Jones, David Bean, Allyson Hill, Bob Barker were nominated for election to council. There being no other nominations the chair requested a motion to close nominations and elect council by majority vote.  
Move by SL 16, 2<sup>nd</sup> by SL 8 Carried by majority vote
14. Motion to Terminate the meeting at 8:35pm  
Motion by SL 7, 2<sup>nd</sup> SL19 Carried by majority vote



**Preparing Your Notice Package & Setting up a General Meeting**

<b>AGM (or SGM as applicable) Notice Package</b>		<b>General Meetings</b>	
<b>Item</b>	<b>Completed</b>	<b>Item</b>	<b>Completed</b>
1. Notice page		1. Room location arrangements	_____
• Location, date & time		2. Sound system	_____
• Voting eligibility statement	_____	3. Easel and markers for election	_____
2. Agenda Bylaw 28/strata bylaw	_____	4. Voting cards identifying unit number or strata lot number	_____
3. Proxy form	_____	5. Sufficient ballots for resolutions Coloured or numbered	_____
4. New rules to be ratified (Sec. 125)	_____	6. Chairperson table/supplies including large board for council nominations and elections	_____
5. Published reports	_____	7. Registration Log/owner list	_____
6. Financial reports for special levies	_____	8. Copy of the previous minutes to ratify	_____
7. Year end financial report/projection (Reg. 6.6)	_____	9. Copy of the strata bylaws and SPA	_____
8. Contingency Reserve Fund statement (Reg. 6.6)	_____	10. Copy of the strata insurance policy	_____
9. Financial statement for current fiscal year	_____	11. Copy eligible voters list	_____
10. Contribution calculations: operating	_____	12. Blank proxy forms	_____
11. Contribution calculations: contingency	_____	13. Copies of reports to be given	_____
12. Proposed budget for next year	_____	14. Additional copies of the notice package	_____
13. Schedule of strata fees and CRF contributions for next year	_____	15. Calculator	_____
14. ¾ Resolution		16. ¾ vote Bulletin # 400-002	_____
• Special levies		17. Quorum Bulletin # 400-001	_____
• Calculation table for each strata lot		18. Registered Strata Plan	_____
• Bylaws amendments		19. Schedule of Voting Entitlement	_____
• Court actions		20. Schedule of Unit Entitlement	_____
• changes to property use			
• Majority vote Depreciation Report Resolutions for recommended expense	_____		
16. Petitioned items	_____		
17. Demand notice for arrears	_____		



**Strata Property Act : Form A**

Form A  
 PROXY APPOINTMENT  
 (OPTIONAL FORM)  
 (Section 56)

Re: Strata Lot .....[strata lot number as shown on strata plan] of Strata Plan.....[the registration number of the strata plan]

[Check only one box]

**1  General proxy**

I/We, .....[name(s)], the owner(s)/tenant(s)/mortgagee of the strata lot described above, appoint .....[name of appointee] to act as my/our proxy beginning.....[month day, year] until .....[month day, year].

**2  Proxy for a specific meeting**

I/We, .....[name(s)], the owner(s)/tenant(s)/mortgagee of the strata lot described above, appoint .....[name of appointee] to act as my/our proxy at the annual or special general meeting to be held on .....[month day, year].

**3  Proxy for a specific resolution**

I/We, .....[name(s)], the owner(s)/tenant(s)/mortgagee of the strata lot described above, appoint.....[name of appointee] to act as my/our proxy with respect to the following resolution at the annual or special general meeting to be held on .....[month day, year].

[wording of resolution]

[voting instructions]

**Limitations on Proxy, if any**

[set out limitations]

Date: .....[month day, year].

.....  
 Signature of Owner/Tenant/Mortgagee

.....  
 Signature of Owner/Tenant/Mortgagee

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## Rules of Order for General Meetings

The rules of order at strata corporation annual or special general meetings are established by the *Strata Property Act*. Generally matters are decided at an annual or special general by majority vote of those eligible voters present (may include electronic presence if permitted in the bylaws) in person or by proxy unless a different voting threshold is required, such as a  $\frac{3}{4}$  vote resolution, 80% vote resolution, unanimous vote resolution, or some other voting threshold established in the bylaws as otherwise provided for the nonresidential strata lots.

For most functions at general meetings, approving the agenda, minutes of previous general meetings, the annual budget and any amendments, depreciation contingency expenses, ratifying of rules and election of council, the procedures will follow the basic rule of majority vote. While the *Act* and bylaws do not specifically require a mover and a seconder for a motion or resolution, the practice is valuable as it establishes when the eligible voters may debate the proposed motion or resolution and whether any amendments may be considered.

The role of the chairperson is to facilitate the proceedings to ensure the strata complies with the *Strata Property Act*, The Regulations, the bylaws and any amendments and the schedule of voting entitlement. They are also responsible to ensure the meeting is respectful, ordered and fair. It is not the position of a chairperson to deem that an eligible voter has nothing relevant to contribute and should therefore not be permitted to speak on issues. At the beginning of a meeting, a handout of meeting principles may be considered by the voters at the meeting to ensure the meeting runs smoothly and the procedures are followed with the interest of protecting everyone's rights.

Rules of order are often a contentious issue. There are many varieties of published rules of order, the most common in Canada and the United States being Robert's Rules of order; however, they do not override the legislative requirements of the *Act*, Regulations and bylaws. Rules of order may be

helpful in procedures, but in strata legislation they do not change function of the *Act*. Remember that if someone declares at the beginning of the meeting that Robert's Rules of order will be used to convene the meeting that is only their opinion. Always default back to the basic principle that the decisions / matters are decided by majority vote. The Chairperson of the meeting, person who is either deemed to be the chair in accordance with the bylaws or elected by the eligible voters by majority vote, does not have over riding authority at the meeting. While chairpersons often issue edicts or declarations at meeting to attempt to control the process, those matters can easily be challenge by the eligible voters, and the outcomes determined by majority vote. ✨

Strata Property legislation and the ensuing meetings are significantly different than societies and non-profit organizations. Unlike a non profit association where I may decide to quit the organization and no longer participate if I disagree with the decision making, in a strata I am exposed to the risk of all decisions and matters of the corporation. Decisions executed at meetings may easily result in an owner losing their home through financial circumstances, being the target of an unfair bylaw or action directly solely at them, restrictive covenants that limit use of common property or strata lots such as rental restrictions, pet and age restriction bylaws, and court actions resulting in serious consequences. General meetings must always be treated with the utmost of formality to protect the rights of every eligible voter present and those who are not represented. For this reason, resolutions that require a  $\frac{3}{4}$  vote may not be substantially amended at the meetings. If the resolution cannot be approved in its current form, it may be necessary to issue a notice of a new meeting to ensure that every owner and interest holder may have proper notice of the new resolution.

**A sample of rules of order for a meeting on the next page can be a valuable reference for a chairperson acting on behalf of a strata corporation and the eligible voters who attend the meeting. The eligible voters may by majority vote agree to the rules at the beginning of the meeting, provided they do not conflict with the bylaws of the strata corporation.**

### Rules of Order and Procedure at General Meetings

1. Each eligible voter will be given a voting card for each strata lot that they represent and identify the total number of votes for that strata lot.
2. The voting card will indicate the strata lot number, which may be quoted when the eligible voter is moving or seconding a motion or amendment to a motion, and will be used to distribute and audit ballots if a ballot or secret ballot is requested.
3. Voting cards may not be transferred to any other party who has not been assigned to represent by proxy that voting card. Proxies may not be transferred to any other party unless the proxy specifically permits the transfer of the proxy to another party. If a person leaves a meeting they may not transfer their voting card or ballots to any other party unless a proxy has been registered or is permitted. Proxies cannot be transferred unless the owner has explicitly permitted.
4. On each agenda item requiring a vote, the chairperson will request a mover and seconder for the motion to begin debate and discussion on the motion, or amendment to the motions.
5. During discussion and debate, all participants at the meeting must be respectful to their fellow owners, eligible voters and participants.
6. All questions or debates must be directed to the chairperson. Debate between parties on the floor is not permitted without the consent of the chairperson.
7. In accordance with the bylaws, each eligible voter and other persons permitted to attend the meeting, are entitled to speak once on each resolution/motion or proposed amendments to the resolution or motion for no longer than ( a specified period of time ). The chairperson may permit the eligible voter to speak longer if there is no objection from the voting quorum present.
8. If an eligible voter calls for the vote, the chair may decide to hold the vote if there are no objections, or seek a majority decision of the owners to end debate and hold the vote, otherwise debate continues.
9. Amendments to majority vote resolutions will be permitted if they are moved and seconded. If the proposed amendment fails to have the support of a seconder, the proposed amendment shall be deemed to have been defeated.
10. Amendments will be voted on one at a time, and other amendments shall not be considered until the previous amendment has been voted on.
11. Once debate is complete on the resolution and any amendments, the vote must be conducted in accordance with the bylaws of the strata.
12. Any votes that require ballots, secret ballots or an accurate count will require the election of 2 scrutineers to be determined by majority vote of the eligible voters.
- 13. Amendments to  $\frac{3}{4}$  vote resolutions must be determined by the chairperson whether they are substantial in nature or are permitted. If an amendment is not substantial and is permitted, the amendment must be moved, seconded, and after debate, voted on by  $\frac{3}{4}$  vote resolution.
- 14. Whether a decision relates to an amendment to a  $\frac{3}{4}$  vote, majority vote or other matter at the meeting, the owners may challenge a decision of the chair by majority vote. If they challenge the chair, the challenge to override the decision of the chair must be voted on without debate.
15. If a vote is for the purpose of electing council, the nominated council shall be either elected by majority of voting cards shown, or if a ballot or secret ballot is called, those council members who receive a majority of the votes cast as issued for each voting card, shall be elected to council, or as otherwise defined in the bylaws.
16. All decisions of the chairperson, and motions and resolutions of the voting quorum must be recorded in the minutes of the meeting.
17. Any person who acts as the chairperson, registrar, secretary or scrutineer of the meeting must declare any conflict of interest before the meeting commences.
18. Unless a  $\frac{3}{4}$ , 80%, or unanimous vote resolution is required, all other matters relating to procedure will be voted on by majority vote.

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## **Before you Convene a Hearing: Hearing Guidelines**

1. A hearing is an opportunity for an owner or tenant to be heard in person at a duly convened council meeting. The request to hold a hearing is a principle requirement of the Civil Resolution Tribunal before an owner or tenant may commence a claim.
2. The strata corporation must hold a hearing if requested. Section 34.1 Strata Property Act.
3. A hearing must be reasonably held within 4 weeks of the strata corporation receiving a request.
4. If a response is requested to a matter raised at the hearing, the strata corporation must provide a written response within 1 week ( 7 days ).
5. The strata council set the procedures for the hearing, however they must be reasonable in the date and time of the hearing, the amount of time a person is entitled to raise matters, and the collection of information at the hearing.
6. Before your strata council convenes a meeting for a hearing, give notice of a council meeting for the purpose of a hearing if the hearing cannot be scheduled at the same time as a council meeting.
7. The hearing is a function of strata council and the time the hearing is held and who is in attendance forms part of the strata council minutes.
8. Personal information may be discussed or collected at a hearing. As a result, observers who are not participating in the hearing process directly are not permitted to stay in the meeting. If the owner or tenant has requested other parties attend the hearing as witnesses or for support or evidence, the strata council are required to determine whether the other parties attendance may unreasonably interfere with an individual's privacy.
9. During the hearing the person who has requested the hearing provides information as it may relate to the request. This may be to dispute a bylaw/rule allegation claim, challenge a payment or expense claim, a request for parking or storage locker information, information on repairs or maintenance to buildings, a request for a hardship exemption from a strata rental restriction bylaw, special accommodation request relating to a disability or exemption from bylaws such as Pet Restriction bylaws, or any other matter relating to the business of the strata corporation.
10. The hearing is an opportunity for the strata council to collect information and ask questions of the owner or tenant. This provides council with information and an opportunity to formulate a decision and response after the hearing. The strata council may review the strata corporation bylaws, rules, correspondence, financial additional evidence/information.
11. The strata corporation may request copies of an information or correspondence that relate to the matter. If the strata corporation collects any personal information it must treat it with confidentiality and protect the information under the procedures of the Personal Information Protection Act.



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## **Installation Of Electric Vehicles Supply Equipment & Charging User Fees**

**Publication / Date:** The CHOA Journal Fall 2018

**Written by:** Tony Gioventu / CHOA

### **Installing Electric Vehicle Supply Equipment (EVSE)**

Before installing an EVSE, a strata corporation will need to determine how parking is allocated and if any Electric Vehicle (EV) sites are available, what electrical requirements are necessary, who will be responsible for costs and grants, and how the operational costs will be recovered.

#### **Step 1: Parking & electrical service availability**

- Identify the designation of the property and parking space(s) that may be utilized for EVSE installation
- Identify if sufficient electrical service is available at the location or whether it requires an installation of electrical services to the location or upgrades to the electrical capacity of the building.

#### **Step 2: Identify / establish who is installing the EVSE:**

- The strata corporation as a common facility,
- The strata corporation for a strata lot owner where, under the strata bylaws, an alteration to common or limited common property requires the approval of the strata corporation and an alteration agreement. The alteration agreement will determine who is responsible for costs associated with the installation. The strata corporation will need to determine who is best to make these alterations.
- Strata lot owner for installation in a strata lot.

#### **Step 3: Approvals and Funding**

- Seek the approvals and funding necessary for
  - the installation of the EVSE,
  - modifications required for the electrical service and monitoring,
  - charging user fees,
  - user agreements, and
  - alteration agreements to establish obligations for maintenance, repair, insurance, liability and renewal of the EVSE.
- Contact [www.pluginbc.ca](http://www.pluginbc.ca) for funding and rebate options

#### **Step 4: Rules, bylaws and user fees**

- Establish rules, bylaws and user fees if necessary to offset the cost of electricity and operations provided to the EVSE users.

#### **Why does parking designation matter?**

Unless the strata corporation knows how parking is designated it cannot determine who is responsible for the installation and costs associated with the EVSE, the strata corporation or a strata lot owner.

#### **Types of Parking:**

There are many different strata corporations in BC, all with variations of use and allocation of parking. Each strata property may administer the use of their parking in a different manner based upon the

bylaws or rules of the strata corporation, and the assignments of parking created by the owner developer when marketing the strata property. Generally, parking is designated as common property, limited common property, part of a strata lot or as a separate strata lot. Please refer to the chart at the end of this article which shows the common variations of parking allocations found in BC.

***For more information on installing an EVSE visit [www.choa.bc.ca](http://www.choa.bc.ca) to review the full report - "Installation of Electric Vehicle Charging Stations on Strata Property".***

#### **Checklist for Determining Parking/Site Availability**

Before a strata corporation or an owner installs a charging station it must determine how parking is designated or if there is additional parking available for common use of charging stations.

To determine parking and site availability review the following documents:

- The Disclosure Statement and any amendments filed by the owner developer with the Superintendent of Real Estate, with a specific focus on the contracts between the strata corporation and the owner developer and/or a third party for the allocation of exclusive use of parking spaces
- The registered strata plan, and any amendments filed with the BC Land Title Registry (BCLTR)
- Any common or general index filing in the BCLTR that indicate a designation of limited common property filed by the owner developer or the strata corporation after the registration of the strata plan

- All registered bylaws filed by the owner developer, or amended and filed subsequently by the strata corporation in the BCLTR
- Any rules of the strata corporations, where applicable, which indicate a parking assignment, or a parking plan or inventory as utilized by the strata corporation for the allocation and use of parking spaces
- Easements filed that grant multiple strata corporations access and use of allocated parking assignments to parking facilities which are not part of the registered strata plan
- Air space parcel agreements, with a focus on easements or access to parking facilities and control of parking areas

#### **Why review ALL these documents?**

Only after reviewing these documents will the strata corporation have a better understanding if parking is available, if specific allocations are required, and if changes to the parking allocations are necessary either for technical, mechanical or access requirements.

#### **Charging users fees for the electrical consumption, operating costs and recovery of maintenance and operating costs**

#### **Legislative Update: Strata Property Regulation 6.9**

On March 7, 2018 section 6.9 of the Strata Property Regulation was amended to allow a strata corporation, by bylaw or rule, to create a variable user fee for the use of strata common property. For example, a strata corporation may now adopt a bylaw or rule to charge users a consumption-based rate for electricity usage for those charging their electric vehicles.

**User fees for the use of common property or common assets *Strata Property Regulations 6.9***

*(1) For the purposes of section 110 of the Act, a strata corporation may impose user fees for the use of common*

*property or common assets only if all of the following requirements are met:*

- (a) the amount of the fee is reasonable;*
- (b) the fee is set out*
  - (i) in a bylaw, or*
  - (ii) in a rule and the rule has been ratified under section 125 (6) of the Act.*

*(2) A user fee imposed by a strata corporation may be a fixed amount or an amount determined on a reasonable basis, including, but not limited to the following:*

- (a) the user's rate of consumption;*
- (b) the recovery of operating or maintenance costs by the strata corporation;*
- (c) the number of users;*
- (d) the duration of use.*

**What's an alteration agreement?**

An agreement between the strata corporation and strata lot owner that would identify:

- the responsibilities of the strata corporation and the strata lot owner for the purchase of the EVSE,
- installation and alterations to mechanical systems,
- who is liable for the maintenance, repair, and renewal requirements of the EVSE,
- who pays for the the insurance requirements of the EVSE,
- who is responsible for the costs of the EVSE,
- who pays the cost of electricity consumption,
- who pays the cost of the installation, and
- any future costs associate with maintenance and renewal of the EVSE.

**Seek legal advice:**

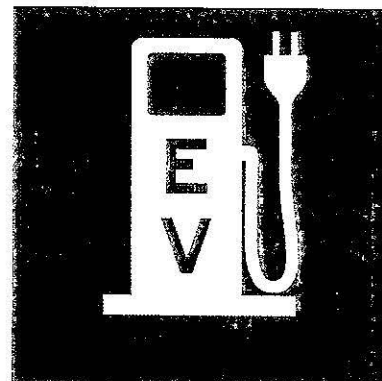
Given the complexity and diversity of strata corporations, strata councils are recommended to seek legal advice on

- Installation procedures;
- resolutions to approve parking re-allocation or significant changes to use or appearance of common property or a common asset;
- bylaws or rules; and alteration agreements

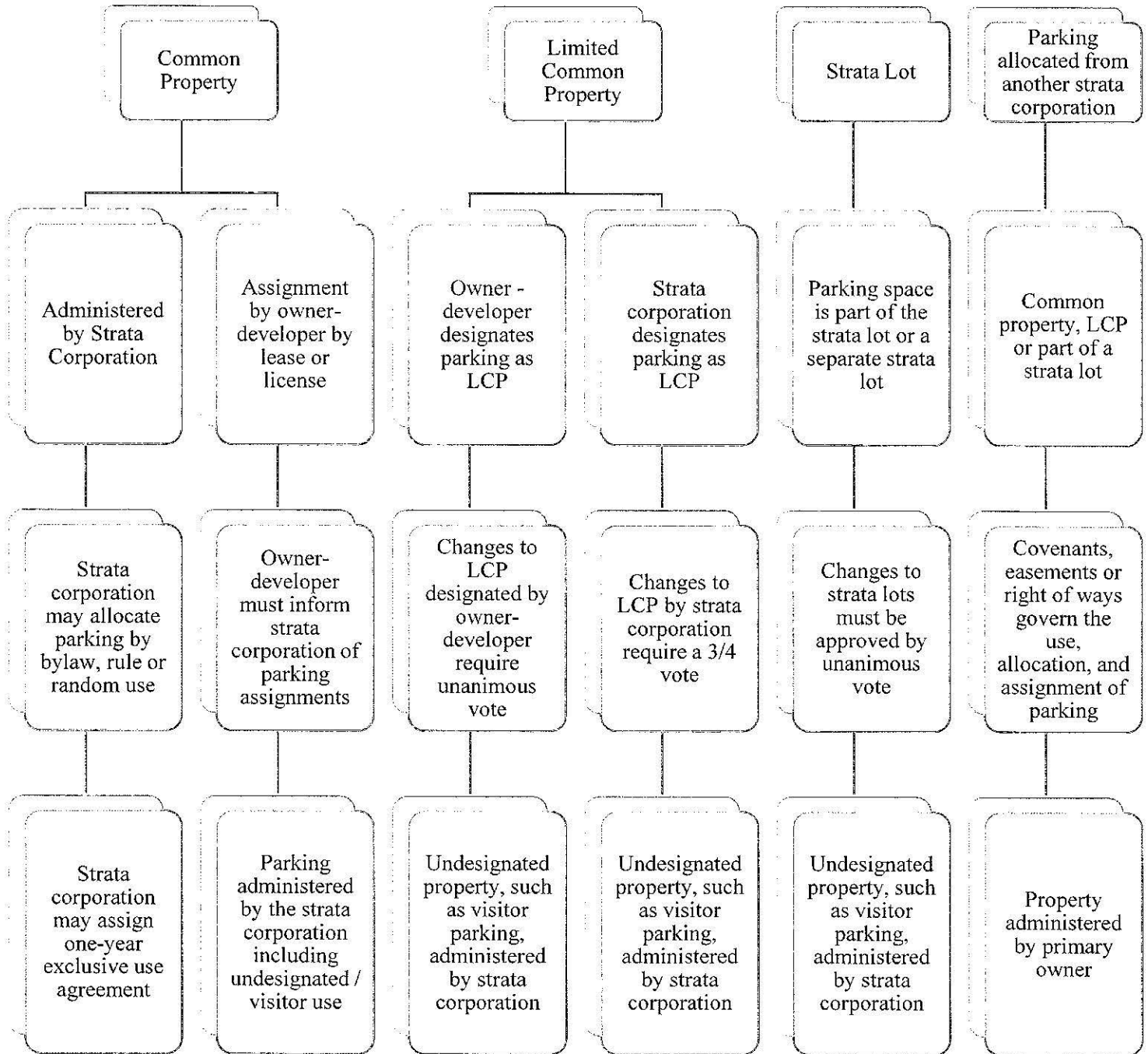
**Note:**

- If the EVSE or charging station meters the capacity of use of electrical service, the bylaw or rule may set a rate within the bylaw or rule to recover the operating cost of the electricity.
- If the maintenance and operating costs of the EVSE can be determined, the cost of the user fee associated with the EVSE may be incorporated into the user fee rate.
- It is important to understand that the fees for the rate of electrical consumption, and any fees associated with the recovery of operating and maintenance costs, must be fixed in the rule or bylaw

A rule for user fees is a flexible option for a strata corporation. Rules are not filed in the Land Title Registry and may be amended at a general meeting by majority vote to easily accommodate rising electrical costs or user costs.



**Common Variations of Parking Allocations**



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**Legislative Update: Strata Property Regulation**

On March 7, 2018 section 6.9 of the Strata Property Regulation was amended to allow a strata corporation, by bylaw or rule, to create a variable user fee for the use of strata common property. For example, a strata corporation may now adopt a bylaw or rule to charge users a consumption-based rate for electricity usage for those charging their electric vehicles.

For convenience section 6.9 is reflected below, and the relevant changes underlined.

This information is provided for notification purposes only. It is recommended that these legislative updates be printed on coloured paper and inserted into your hard copy of the *Strata Property Act* (SPA). For the current version of the SPA and Regulations please refer to the CHOA website ([www.choa.bc.ca](http://www.choa.bc.ca)) which links to BC Laws.

**User fees for the use of common property or common assets**

**6.9** (1) For the purposes of section 110 of the Act, a strata corporation may impose user fees for the use of common property or common assets only if all of the following requirements are met:

- (a) the amount of the fee is reasonable;
- (b) the fee is set out
  - (i) in a bylaw, or
  - (ii) in a rule and the rule has been ratified under section 125 (6) of the Act.

(2) A user fee imposed by a strata corporation may be a fixed amount or an amount determined on a reasonable basis, including, but not limited to the following:

- (a) the user's rate of consumption;
- (b) the recovery of operating or maintenance costs by the strata corporation;
- (c) the number of users;
- (d) the duration of use.

Amended March 7, 2018 - BC REG 36/2018