No court has ruled on EV charging in South African complexes. yet.

Here's Why That Should Worry Every Trustee

No South African court and no CSOS adjudicator has yet issued a reported ruling on an electric vehicle charging dispute in a body corporate or homeowners' association - but that silence won't last, and schemes that wait for the first judgment to land will be the ones caught inside it.

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That's the warning from Johlene Wasserman, Director of Community Schemes and Compliance at VDM Incorporated, who says trustees are already facing pressure to approve chargers in shared parking areas without the legal framework, electrical capacity or billing systems to support them.

"Every trustee in this country should have an EV charging policy on the agenda of their next meeting. If it isn't on yours, ask why. The first ruling on EV charging in a scheme is coming, and no trustee wants their scheme to be the test case," she asserts.

Wasserman points to the Supreme Court of Appeal's decision in *Parch Properties 72 (Pty) Ltd v Summervale Lifestyle Estate Owner's Association and Others [2025] ZASCA 155*, which confirmed that complex community-scheme disputes can be taken directly to the High Court rather than through CSOS (Community Schemes Ombud Service).

"That ruling changes the financial calculation for every trustee," she explains. "CSOS dispute resolution is provided at no cost to applicants and is funded through levies paid by community schemes' members. A High Court application starts in the tens of thousands and can run into hundreds of thousands of rands once it is opposed. If your scheme doesn't have a written EV charging policy and an owner or objector takes you to court, you are defending a case you should never have had to fight."

Trustees, she adds, are being asked to regulate technology that didn't exist when their schemes were built. "Without rules, even well-intentioned owners create serious risk, and 'temporary' extension leads across common property have a habit of becoming permanent."

The questions trustees are already facing

Wasserman says the questions hitting trustees' desks are practical and urgent: who is allowed to install a charger on or near common property, how the electricity will be measured and billed, who carries liability when a faulty installation damages the common electrical infrastructure, and what must be done about the owner who has already run an extension lead across the parking bay.

Without a policy, she says, these decisions are made inconsistently "which is the single biggest risk, because inconsistent treatment of owners is fertile ground for a CSOS referral or a High Court review."

Where the law is - and isn't - clear

South African community scheme legislation doesn't deal with EV charging directly, Wasserman points out. "The STSMA (Sectional Titles Schemes Management Act), the CSOS Act and the prescribed rules pre-date the technology. But existing law isn't silent either. Section 5(1)(b) of the STSMA requires trustees to act in the best interests of the body corporate, which in EV disputes will be interpreted through the lens of their fiduciary duty to protect common infrastructure and communal finances."

"Prescribed Management Rule 29 governs alterations and improvements to common property, and any charger hard-wired into a communal distribution board almost certainly triggers it. SANS 10142 sets the electrical compliance standards, municipal bylaws regulate the installation, and the common-law duty to make reasonable, consistent decisions sits over all of it."

The Electricity Regulation Act also matters, she continues. "A body corporate acts as an electricity distributor, not a licensee, and cannot casually on-sell power to an EV owner without sorting out how that recovery will be structured. None of these provisions was written with EVs in mind. All of them apply."

What a defensible EV charging approval actually looks like

A defensible approval starts with a load assessment and a qualified electrician confirming that the installation complies with SANS 10142 and municipal bylaws, says Wasserman. "Any charger that affects common electrical infrastructure requires written approval, and the terms must be recorded in a signed agreement that sets liability, maintenance, billing and removal when the owner sells. Billing has to be transparent and based on sub-metering or an equivalent method - without it, communal electricity costs will spike, and owners will subsidise private charging. Extension leads across common property are never acceptable; they create fire and trip risks, and raise insurance concerns. And no policy is enforceable until it is formalised through the correct rule-amendment process."

The money - and why it will drive the first dispute

"A standard 7kW home charger drawing residential-tariff electricity at R2.50 per kWh, charging a typical EV overnight five nights a week, can add roughly R2,500 to R4,000 a month to the communal electricity bill - per car. In a scheme with ten EV owners and no sub-metering, that's around R40,000 a month, or close to half a million rand a year, being absorbed into the levy base and paid by owners who may not even own cars. That's not 'a new expense' – it's a cross-subsidy. And it is the exact issue the first CSOS referral on EV charging will turn on," she warns.

What schemes should do now

- Apply rules consistently.
- Commission a load assessment before approving any installation.
- Adopt a formal EV charging policy through the correct resolution process.
- Install sub-metering or an equivalent billing solution.
- Record the terms in a signed charging agreement and notify insurers when infrastructure is approved.

What EV owners should do now

- Apply in writing before installing anything.
- Use a qualified electrician and provide compliance documentation.
- Pay installation costs, including sub-metering where required.
- Pay for electricity consumed through the agreed recovery method.
- Accept liability for damage caused by the installation where required.

The road ahead

VDM Incorporated is already fielding EV charging queries from trustees, HOA directors, managing agents and owners every week. Wasserman's advice is blunt: don't wait for the first ruling to land before you put your policy in place. "The schemes that will pay the most are the ones that approved installations informally three years ago and now can't undo them. The schemes that will pay the least are the ones that write the rules before their first application arrives. There is no third option."

"When the first EV charging matter reaches CSOS or a High Court – and it will, within the next eighteen months, she avers - the schemes that already have written policies, sub-metering and signed charging agreements will be the ones not in the judgment.

Article reference: Johlene Wasserman, Director of Community Schemes and Compliance at VDM Incorporated