



Dispute Resolution Services

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Residential Tenancy Branch
Office of Housing and Construction Standards

DECISION

Dispute Codes O

Introduction

This is an application for an Order for the landlord to allow the tenant to continue using carport at the rental property to store her personal items.

Some written arguments have been submitted by the parties prior to the hearing. I have thoroughly reviewed all submissions.

I also gave the parties the opportunity to give their evidence orally and the parties were given the opportunity to ask questions of the other parties.

All testimony was taken under affirmation.

Issue(s) to be Decided

The issue to decide is whether or not the landlord is restricting the tenant's access to the carport at the rental property.

Background and Evidence

The applicant testified that:

- She has lived in the basement suite of this rental property since April 1, 2011 and during that time she has used the carport for her bike, lawn chairs, and sometimes boxes.
- Recently she returned home to find that the landlord had removed boxes of her possessions and loose items from the carport. Those items were later returned by the landlord however he stated that the carport was not for her use and he would throw away anything she put out her.

- She is therefore requesting an Order that she be allowed to continue using the carport, as she has since moving into the rental property.

The respondent testified that:

- He thought that the boxes the tenant had put in the carport were items that were to be taken to the dump, however when he found out this was not the case they were returned to the tenant.
- He has no problem with the tenant having a chair in the carport and using the carport for painting, however he does object to the tenant storing boxes and other loose items in the carport as this is not the storage area and in doing so she makes the area looked cluttered.
- There are other tenants in this rental property and he does not believe it's reasonable that this tenant should be allowed to make the property look cluttered and unappealing by storing her items in the carport.

Analysis

It is my decision that, although the tenant may have in the past stored boxes and loose items in the carport, it is not unreasonable for the landlord to ask her to stop doing so

Carports are not generally considered storage areas, and therefore although it may be reasonable to keep a bicycle in the carport, or to have a chair in a carport for doing outdoor work, it's not reasonable to be storing boxes and other loose items in a carport.

I agree with the landlord that the storage of boxes and loose items in the carport makes the property look cluttered, and when this is shared property it is reasonable to expect that none of the parties will be causing clutter in the shared areas.

The landlord has stated that he is not opposed to the tenant keeping a chair in the carport, or using the carport for painting, and I think that is a reasonable position for the landlord to take.

I therefore will not be issuing any orders allowing the tenant to store items in this carport.

Conclusion

This application is dismissed.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: March 26, 2014

Residential Tenancy Branch

