



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      AAT

### Introduction

This hearing addressed the tenant's application pursuant to section 30 of the *Residential Tenancy Act* (the "Act") to allow access to (or from) the unit or site for the tenant or tenant guests.

The tenant and landlord attended the hearing and were each given a full opportunity to be heard, to present sworn testimony, to make submissions and to call witnesses. The landlord confirmed receipt of the tenant's application ("Application") for dispute resolution package. In accordance with sections 89 and 90 of the *Act*, I find that the landlord was served with the Application.

### Issue(s) to be Decided

Should the landlord be ordered to provide access to or from the unit or site for the tenant or tenant's guests?

### Background and Evidence

As per the submitted tenancy agreement and testimony of the parties, the tenancy began on November 1, 2013 on a month-to-month basis. Rent in the amount of \$590 is payable each month. The tenant remitted a security deposit in the amount of \$290.00 at the start of the tenancy. The tenant continues to reside in the rental unit.

As part of the tenancy agreement the tenant is entitled to parking for one vehicle. On an undisclosed date the tenant put her car in the shop for repairs and found her parking stall had been revoked. Since filing the application the tenant has regained a parking stall but wants to ensure the landlord cannot hold her liable for damage to the parking stall. The tenant acknowledged she has not been charged for any damage.

The landlord agreed the tenant was entitled to one parking stall; the stall was used by another renter and has since been returned to the tenant. The landlord testified that the

tenant has not been charged for any damage to the parking stall but stated she did write a letter to the tenant that indicated she could be held liable if damage occurred.

### Analysis

Pursuant to section 30 of the *Act*, a landlord must not unreasonably restrict access to residential property by the tenant of a rental unit that is part of the residential property, or a person permitted on the residential property by that tenant.

I find that although the tenant temporarily lost the use of a parking stall, she did regain a parking stall. Accordingly an order for the landlord to provide access to or from the unit or site for the tenant or tenant's guests is not required.

Under section 32 of the *Act*, a tenant is responsible to repair damage, either deliberate or as a cause of neglect, to the residential property. In the event the tenant is held liable for damage to the parking stall and the tenant disputes the damage, the tenant is at liberty to file an application for dispute resolution.

### Conclusion

The tenant's application for an order to provide access to or from the unit or site for the tenant or tenant's guests is dismissed without leave to reapply.

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: June 24, 2016

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Residential Tenancy Branch