219965 - He lives in a building and uses the visitor parking spots

the question

in the building in which we live, there are three levels for parking; two levels are for residents, each of whom gets one parking spot for free. The third parking level is for visitors and guests. My question is: We have bought another car, praise be to Allah, but if we want to get a spot for our car on the two parking levels, we have to pay approximately one thousand dollars a year. Is it permissible for us to park our car on a permanent basis in the parking area that is for visitors and guests? Please note that many people who own more than one car park their cars in the visitor area, because the cost of the parking spot is very expensive.

Detailed answer

Praise be to Allah.

What we understand from your question is that these parking spots belong to the owner of the building and they are not common areas, and that the way in which the spots are to be used is agreed upon when signing the rental or purchase contract. Based on that, there are two scenarios which may apply to your parking your second car in the visitor parking spots.

The first scenario:

If you park in this area without the permission of its owner, and he does not approve of that unless you pay the fee that was agreed upon, then in this case it is not permissible for you to use these spots, because it is transgressing against the right of another Muslim unlawfully. It is also contrary to the agreement between you and the owner of the building regarding use of the parking spots. Allah, may He be glorified and exalted, says (interpretation of the meaning):

{O you who have believed, fulfill [all] contracts} [al-Maa'idah 5:1].

Shaykh ‘Abd ar-Rahmaan as-Sa ‘di (may Allah have mercy on him) said:

This is a command from Allah (st) to His believing slaves, telling them what faith requires of fulfilling contracts, which is that one should adhere to them properly and completely, and not break them or fall short in fulfilling them.

That includes all ccontracts (or covenants) between the individual and his Lord… and contracts between the individual and other people, in transactions such as buying and selling, renting, and so on, and contracts that involve giving something for free, such as gifts and the like."(*Tayseer al-Kareem ar-Rahmaan fi Tafseer Kalaam al-Mannaan* p. 238).

The second scenario:

If your parking in the spots allocated for visitors is done with the knowledge of the building owner, and he overlooks it and does not ask for any fee, then in this case there is nothing wrong with you using these parking spots, because the Prophet (blessings and peace of Allah be upon him) said: “It is not permissible to take the wealth of any person except with his willing consent.” Narrated by Ahmad in his *Musnad*, no. 20172; classed as saheeh by al-Albaani in *Irwa’ al-Ghaleel* (5/279).

If he does not mind that and he allows it, there is nothing wrong with that, but if he does not allow it, then it is not permissible for you to use these parking spots.

And Allah knows best.