

Paying For Work You Did Not Ask For

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Case: A contractor decides to install extra items in a house he is working on without consulting the owner. For example, an electrician is hired by a homeowner to install eight light fixtures or spotlights, and he installs nine instead because he felt that it was dark in one corner and an additional one was needed.

Question: Must the owner pay for the additional improvements according to halacha? or can he tell the contractor that he refuses to pay for work that he did not desire?

Answer: According to halacha, one does have to pay for services rendered even if they were not requested. However, the owner is not required to pay the price requested by the contractor, who may charge a significant amount of money if he generally does quality work. This is because halacha understands that if work is done without a contractual obligation on the part of both parties, there is no obligation of one side to the other. We find a similar rule concerning the mitzvah of paying an employee on the day that he works. Within that context, an employee is only defined as a contractual employee with which an agreement to work in a specific manner has been made. Any other work performed by the employee is not included within this mitzvah, since no contractual obligation exists for that work.

On the other hand, there is a halacha mentioned in the ninth *perek* of *Bava Metzia* and in the *Shulchan Aruch*, that if one improves the property of another in a way that he benefits from it, the owner must compensate him for the work, but only at the rate of the cheapest price possible in that locale. Therefore, one could pay an experienced contractor the minimum price for which he could find anyone (even a novice) who would do the same job.

In this case, the electrician may add the additional light fixture to the bill for his services. But the homeowner need only pay him the cheapest price at which the work could have been done, even if by someone much less experienced.

Question: Does this halacha apply only if the homeowner actually hired the person to perform other work for him? What if a random person simply enters one's house and paints it, must the homeowner pay him?

Answer: That is actually the exact case of the Gemara in *Bava Metzia*. If someone enters the house and paints it, for example, and a painting of the house was in fact needed such that the value of the house clearly improves, then the halacha is as discussed that one must pay him the minimum price.

If the house did not need a painting, then no improvement occurs and one would not be required to compensate the worker.

If the house needed a painting but the homeowner decided he did not have the funds for it or he would simply be satisfied with the way it looked, the

Shulchan Aruch does not issue a clear definitive ruling. It seems that if the person would not have painted the house in this case, he can ask the worker to scrape off the paint. Alternatively, if he installed a whole spotlight system in the front yard that can be easily removed, he may demand that it be removed and then would not have to pay for it. However, one cannot retain the light fixtures or paint job, and not compensate the person for it.