

If a Contractor Installs Outdoor Lights That the Homeowner Claims He Doesn't Want, Does He Have to be Paid?

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Question: A contractor is building a home and decides on his own to install outdoor lighting to beautify the house at night. The homeowner says that he didn't need those lights and that he won't pay for them. A few weeks later, the contractor notes that those lights are turned on and used every night. Since the homeowner is deriving benefit from them, can the contractor come back to him and demand payment?

Answer: This is a good example of a case where it would have been better for the homeowner to be truthful upfront.

If he had originally claimed that he didn't really want the outdoor lights but he'll keep them now that they're already installed, it would be a case of *aino asuya lita*, and he would only have to pay the amount of value that is added to the house because it has these lights. He would not have to pay the full cost for that job.

However, the Rishonim say that if a person says that he doesn't want something and therefore will not be paying for it, but then ends up using it, he is showing that he really did want it. In such a case, it is considered *asuya lita* and the contractor would be considered an employee who must be paid for the full job. In this case, not being genuine will come back to cost the homeowner.