

If Someone Shovels My Driveway Without Being Asked, Do I Have to Pay Him?

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Question: After a heavy snowfall one winter day, I looked out my window and noticed my neighbor's son shoveling my driveway without being asked. He then came to my door and asked for \$50 as payment. Do I have to pay him?

Answer: We previously said that if someone is *yored l'toch sadeh chaveiro*, the property owner has to pay the value of the improvement to his property. The Gemara makes a distinction between a case where the field is "*asuya lita*" (set to be planted) and "*aino asuya lita*" (not set to be planted). *Asuya lita* means that everyone knows that the property owner is planning on hiring someone to plant his field at this time. Consequently, if someone steps in and does it, even if he was not contracted to do so, he becomes the de facto employee of the property owner and he must be paid as if he had been hired for the job. Similarly, if someone would know that a homeowner is looking for a painter to paint his house and he steps in and does it, he must be paid as an employee of the homeowner.

This does not mean that the homeowner has to pay whatever amount the worker asks for; rather, he must pay the lowest end of what is considered a reasonable amount for that job. In this case, that would mean that if it was known that the homeowner was going to hire someone to shovel his driveway, he would have to pay the neighbor's child the lowest end of the standard cost for such a job.

Whereas, in a case where a field is "*aino asuya lita*", meaning that the owner was not necessarily planning on hiring anyone to plant his field, the worker who took it upon himself to plant is not considered his employee. In this case, the homeowner only pays for the value added to his property. This means that if the homeowner was planning on shoveling his driveway himself, he would not have to pay the neighbor's son for the value of the job. He would only have to pay him the amount of money he would be willing to pay to save himself the effort of not having to shovel the driveway himself.