

If Someone Stores His Boxes in an Unused Warehouse Without Permission,
Is He Obligated to Pay Rent?

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Question: My friend heard that I have some extra space in my warehouse and asked if he could rent the space to store some boxes there. I declined because I wanted the space available in case I needed it. I went away for a few weeks and, when I got back, I saw that he had stored boxes there without my permission. Can I bill him?

Answer: At first glance, this seems a classic case of *Zeh Nehene v'Zeh Lo Chaser*. The case the Gemara discusses involves a person who moves into his friend's house without him being aware and without causing any loss to the homeowner. This would be very improbable today because when someone moves into his friend's house or bungalow, he would inevitably cause the owner some expense through his usage of electricity and water. In the case in question, however, the friend is merely putting his boxes down in a warehouse. If he doesn't turn on the lights or water, he isn't causing any loss to the owner at all.

However, the Shulchan Aruch rules that if a potential customer makes it clear that he would have been willing to pay the owner for the usage, he can be charged for his usage even if no agreement was ever reached. In this case, since the friend clearly indicated that he would have been willing to pay rent for the warehouse space, putting his boxes down is considered a consummation of that proposal, and he would have to pay if he did end up using the space.