

Is a Repairman Liable For Breaking an HVAC Unit?

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Question: My air conditioner was not working well so I called a repairman to fix it. While working, he damaged the entire HVAC unit. Is he liable for the damage he caused?

Answer: While a worker is liable for malpractice in some cases, there is a dispute amongst the Poskim if his responsibility is that of a *mazik* (a damager), or that of a *shomer* (a custodian). A major difference would be if he is liable for damages to *karka* (land). A *mazik* is liable for damage to land, while a *shomer* is only liable for damages that occur to moveable objects and not to land. Furthermore, even if he is classified as a *shomer*, there is another dispute if he is exempt from damages to *karka* only if the damage happened by accident or even in cases where he is grossly negligent. Additionally, there is yet another *machlokes* if items that were moveable and were then attached to the ground - like this HVAC system - are considered *karka* or not.

In any case, if the worker is classified as a *mazik*, he could be held liable for damages to *karka*, but if he is a *shomer*, whether or not he could be held liable in this instance revolves around numerous differences of opinion.

Question: What if he had disconnected the HVAC unit from the wall and had taken it to work on it in his shop?

Answer: I think that once the unit is disconnected from the ground, it is clear that it is not *karkah* and the ordinary laws of malpractice would apply.