

Is a Shliach Who Does Not Follow Instructions Liable For His Actions?

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Question: In the last segment, we discussed a case where a *shliach* did not follow his instructions and said that the transaction is not valid. In the case discussed, where the *shliach* rented an apartment on behalf of the *meshalayach* that he did not want, does the *shliach* have any liability to the owner of the apartment who is going to lose his renter because of his actions?

Answer: Technically, the *shliach* should not have any liability since he did not intend to rent the apartment for himself. The Rambam, however, says that if the *shliach* did not notify the landlord that he was renting the apartment on behalf of someone else, the landlord can assume he is renting it for himself and that he accepts liability. Accordingly, he would only be exempt from liability if he clearly told the landlord that he is renting the apartment for someone else.

Question: Does that mean that a landlord has no recourse if people tell him are renting on behalf of others? What can he do so as not to be struck in that situation?

Answer: The only thing that he can do is to tell the *shliach* that he either has to accept liability or get the *meshalayach* to sign on that he accepts the apartment. Otherwise, he is renting at his own risk