

תשובה בענין

**Bicycles in a
Bungalow Colony**

מאת הרב יהושע גרינוולד שליט"א

חבר בי דינא איגוד הרבנים ד'אמריקא

אלול תשע"ח



RABBINICAL ALLIANCE OF AMERICA

איגוד הרבנים ד'אמריקא

Office: 305 Church Avenue

Mail: PO Box 190234

Brooklyn, NY 11219

Neighbor's Bicycles

By Rav Yehoshua Grunwald

Question

I am vacationing in a bungalow colony where there are many bikes of neighbors laying around; may I use those bikes without asking permission? If not, am I responsible to stop my children from using them without permission?

Answer

One is permitted to use other's bikes, in a bungalow colony where everyone agrees to use each other's bikes without permission, because that is considered as if permission has been granted. Additionally, in any case that you know that your friend would definitely allow you to use his bike without permission you may do so, because it is sufficient that he would give you permission if you asked. Nonetheless, it is preferable, where possible, to ask explicitly for permission in these situations.

It is worth noting that one must be sure that the owner would not mind about where you are taking the bike or when and to where you return the bike. For example, if one rides the bike out of the close vicinity of where the bike was placed the owner may indeed object¹. Similarly, the owner would likely mind if the bike is returned to a different spot than where it was originally placed². Additionally, the user may not use the bike in a way that will possibly damage it. [In the event that the bike got damaged, the 'borrower' is responsible to pay, just like a regular borrower (*sho'el*) is responsible for all damages. This applies to all damages that occurred from when he made a *kinyan* or started using it until he returns it.³]

However, where one has reason to suspect that the owner would mind if you were to use the bike without permission, it is prohibited to use the bike. In such cases, one is even obligated to stop one's child from using it without permission because of the prohibition of stealing. Just as one is obligated to stop one's child from turning on or off a light on Shabbos, due to the mitzvah of *chinuch*, so too one is obligated to stop one's child from using another's bike where such use constitutes stealing.

¹ Based on *Magen Avrohom* 14:7.

² Based on *Shulchan Aruch* OC 14:4.

³ *Nesivos* 292:3 see however 267:4. Regarding damages that occurred as a result of normal usage (*meisa machmas melacha*) see *Machane Ephraim*, *Gezeila* 15 and *magia* #6; and *Imrei Yaakov* 11:5, *beiurim*.