Title:
IX.4 - Disadvantage

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(a) A party is disadvantaged by:

i) a decrease in assets or an increase in liabilities;

ii) rendering a service or doing work; or

iii) another's use of that party's assets.

(b) In determining whether and to what extent a party sustains a disadvantage, no regard is to be had to any enrichment which that party obtains in exchange for or after the disadvantage.

Commentary:
This Principle is a mere mirror image of Principle IX.3 which defines the enrichment for purposes of application of the basic rule. This shows that the types of benefits and detriments which may constitute the enrichment of the enriched party and the disadvantage to the disadvantaged party are basically the same. Thus, clarifying where the enrichment and disadvantage lies in a given case also serves to determine who is debtor and creditor of the obligation to restore the unjust enrichment under the basic rule.