

Mould

General Information

One of the problems that afflicts some rental properties is mould, particularly, given Canberra's climate, in winter.

Mould occurs where parts of premises remains damp over a period of time. It could occur as a result of many things: the structure of the property, lack of ventilation, leaking pipes, drying washing inside and not opening windows or not using a ceiling fan when showering.

Lessors often accuse tenants of failing to keep windows open or otherwise not allowing ventilation of the property for the build-up of mould.

The laws relating to mould are no different to other types of repair (please consult our Maintenance and Repairs factsheet for more information on repairs).

Tenants' Rights

A tenant is entitled to reasonable use of the premises. This includes carrying out usual living activities such as showering, washing and the like.

Where activities may cause mould, a tenant is required to use the facilities provided to minimise the risk, e.g. using a ceiling fan when showering, opening windows when appropriate, mopping up spills etc.

It is not generally appropriate to require tenants to keep windows open in inclement weather, or where an open window may be a security risk or to take extraordinary measures to avoid mould.

Tenants need to advise the lessor of the need for repairs – which would include any signs of mould starting or water leaks and any breakdown in bathroom fans.

However, if the mould builds up despite the tenant taking these reasonable steps, or the mould is as a result of a problem with the premises (including leaking pipes) it is the lessor's responsibility to repair the problem, and potentially pay compensation for a tenant's losses.

Equally, if the mould is caused by the tenant's neglect or wilful action, they may be liable for damages.