Legal Aid ACT

Tenancy: Mould

A problem that afflicts some properties is mould, particularly given Canberra's climate in winter.

Mould occurs where parts of a premises remain damp over a period of time. It can occur as a result of many factors, including the structure of the property, lack of ventilation, leaking pipes, keeping windows shut or not using a ceiling fan when showering.

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

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

Tenants' rights

Tenants are entitled to reasonable use and enjoyment of the premises. This includes carrying out usual living activities such as showering and washing.

Where activities may cause mould, tenants are required to use the facilities provided to minimise the risk. Examples include opening windows when appropriate or mopping up spills.

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

Tenants must advise the lessor of the need for repairs. This includes any signs of mould forming, water leaks and breakdowns in ventilation.

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

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

If you have any questions arising out of the information provided in this fact sheet, contact the **Tenancy Advice Service** at:

1300 402 512 or TAS@legalaidact.org.au