

# Who is Responsible for Mould in Strata Living?

As winter fast approaches lot owners and tenants 'cosy up' their apartment environments with heat creating condensation (moisture) and reduced ventilation – a damp environment that mould loves to thrive in.

Rain during the winter months can also contribute to the increased mould growth in strata buildings and may cause dangerous health issues for owners and tenants as they're more likely to stay indoors.

## Who is responsible for mould in a strata property?

It depends on the location of the mould, and what initially caused the mould to develop. Sounds simple, but the challenge is to work out who organises and pays for the problem to be fixed.

In this article we look at:

1. What is mould?
2. What are the harmful effects mould can have on your health?
3. What are the causes of mould in strata living?
4. Who pays for the mould to be fixed in strata living?

### 1. What is mould?

Mould is a type of fungi that produces tiny spores which settle on indoor and outdoor surfaces. When the mould spores land on a damp or wet spot, they need a certain temperature to thrive and survive, they then begin to grow and digest the surface where they've landed.

Mould can destroy building materials, furnishings and cause serious health problems to people.

## **2. Is Mould Harmful to your Health?**

Airborne mould spores are commonly found in both indoor and outdoor environments and have the potential to cause health problems as they can easily be inhaled.

Inhaling mould spores can have harmful effects on health in children and the elderly, asthmatics, and people with compromised immune systems. It can cause throat, eye and nose irritations, breathing problems and allergic reactions. Some mould can even have more serious health effects and cause chronic, obstructive, or allergic lung diseases.

Mould can also destroy clothing and household items such as mattresses and other furniture which can also cause health issues.

## **3. What are the Causes of Mould in Strata Apartments?**

In strata apartments, mould typically grows indoor in wet or moist areas lacking adequate ventilation, including walls, wallpaper, ceilings, bathroom tiles, carpets (especially with jute backing) and insulation material such as cardboard and wood.

Some common mould problems in strata apartments include:

- Lack of adequate waterproofing allowing water to leak inside an apartment
- Burst pipes or water leaks coming from an apartment above
- Condensation in winter on walls/windows from temperature differences between heated interiors and cold exteriors
- High levels of humidity in summer and temperature

- differences of cold interiors and heated exteriors
- Condensation from hot showers causing mould on bathroom walls and ceilings, especially if there is no exhaust fan and/or ventilation
  - Windows closed all day with lack of adequate air flow
  - Strata blocks that are in shade all day and receive no or little sun

## **4. Who is Responsible for Mould in Strata?**

### **Property Managers and Landlords**

In a rental apartment situation, the landlord is normally responsible for fixing the mould problem as the landlord is responsible for ensuring their tenant a healthy, mould-free environment.

However, if the landlord can show the mould is the result of the tenant's inactions such as not using exhaust fans or not opening windows/doors for airflow, the tenant may be liable to compensate the landlord for damage.

### **Strata Managers and Owners Corporations**

In strata title properties the person responsible will depend on where the mould is located and what is causing it, which can sometimes be challenging.

Generally, the apartment owner is responsible for removing the mould inside the apartment. However, if there is a defect in the common property that is the cause of the mould, such as a leaking common property pipe, the owners corporation would be responsible for fixing that defect.

### **Common Property**

Common property boundaries of an apartment are generally

defined by the floor surface and boundary walls. If mould is located outside of these boundaries the owners corporation is responsible for repairs and mould remediation costs. If the cause of the mould is within these boundaries the lot owner is responsible for repairs and costs.

Strata mould problems are often challenging to solve. In these more challenging cases it is often a good idea to engage with a [strata lawyer](#) to help resolve the issue, and to work out who is responsible for fixing the problem, especially if it involves health issues.



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Since 2002 Adrian has specialised almost exclusively in the area of strata law. His knowledge of, and experience in strata law is second to none. He is the youngest person to have been admitted as a Fellow of the ACSL, the peak body for strata lawyers in Australia. [Profile](#) I [Linked](#)

## **Contact Us**

For all strata law advice including by-laws, building defects and levy collections contact our specialist NSW and Sydney strata lawyers [here](#) or call 02 9562 1266, we're happy to assist.