

Mould and Rental Properties

Mould or mold (also known as mildew or fungus) is a living organism that grows indoors. Mould grows in places that have water leaks, are very humid or have condensation problems. It can cause health problems and be an issue for both tenants and landlords. This tipsheet covers what you need to know when it comes to mould and rental properties.

1. Property owners/landlords are responsible for fixing mould problems

Property owners/landlords must maintain rental premises to the *Minimum Housing and Health Standards*. These standards make a place safe, sanitary and fit for humans to live in. If the property falls below these standards, they must fix it. Not meeting these standards is a breach of the *Residential Tenancies Act (RTA)*. Mould can be a deficiency that affects whether a property is fit for living in. It can also be a deficiency that affects a tenant's right to enjoy the property.

2. Tenants should inform their landlord about mould problems on the property right away

Under the *RTA*, tenants have a general responsibility to maintain the premises and keep it reasonably clean. Informing landlords about any issues on the property, including mould, allows landlords to repair and fix the issue. If a tenant fails to tell a landlord about a mould problem, they may be considered to have contributed to the problem and the damages that they suffered. Tenants should let their landlord know about any mould problems in writing.

3. Landlords and tenants should work together when dealing with mould problems

As with any problem, tenants and landlords should try to work out a mutual agreement to fix the problem. Landlords and tenants should document and put in writing any remediation arrangements.

For example, this may include:

- whether a tenant will be moving out during repairs
- how much the landlord pays for repairs
- whether the landlord offers any rent abatement (reduction)
- whether the tenant must take remedial steps or pay to fix the problem themselves

TIP

For more information on mould and how it can cause health problems, refer to the Environmental Public Health, Alberta Health Services website: bit.ly/3ANSQo5

4. Tenants can take steps if a landlord is not fixing problems on the property

Tenants can contact a local Environmental Public Health Office. Refer to CPLEA's **Minimum Housing and Health Standards** publication: www.cplea.ca/wpcontent/uploads/MinimumHousingStandards.pdf
When a landlord is not meeting minimum housing and health standards, tenants can also make a court or Residential Tenancy Dispute Resolution Services (RTDRS) application for:

- recovery of damages
- rent abatement (reduction)
- compensation for the costs to fulfill the landlord's obligations
- termination of the lease

More tips on repairs are available on CPLEA's Laws for Landlords and Tenants website:

- FAQ – What can a tenant do if the landlord won't fix anything?
www.landlordandtenant.org/repairs/landlord-wont-fix-anything/
- FAQ – If a tenant completes repairs, can they bill the landlord?
www.landlordandtenant.org/repairs/can-tenant-bill-the-landlord-for-repairs/

5. If a mould problem is complicated, there are dispute resolution options for both tenants and landlords

Not sure if a tenant contributed to a mould problem on a rental property? What if a tenant did not inform the landlord about any mould problems? Is remediation going to be costly and take months? Cannot work out a mutual agreement about how to deal with a mould problem? Circumstances that complicate the matter would involve findings of fact for the RTDRS or courts to decide. Tenants and landlords who are unsure of how to proceed should get legal advice and consider dispute resolution options.

For more information on dispute resolution options:

- Dispute Resolution
www.landlordandtenant.org/dispute-resolution/
- Tenancy Dispute Resolution Options
www.cplea.ca/wp-content/uploads/TDRoptions.pdf



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TIP

For more information, go to CPLEA's LawNOW article, **Mould and Rental Properties:**
www.lawnow.org/mould-and-rental-properties/



www.cplea.ca

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