



COMMUNITY HOUSING
Industry Association Victoria

Practice Guidance



Mould



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Overview

The purpose of this guide is to support Community Housing Organisations (CHOs) to deal fairly, efficiently and appropriately with preventing and managing mould in properties.

It is guided by the requirements outlined in the Residential Tenancies Act 1997 (Vic).

This guide is designed to complement the template Mould Policy by providing further details on how to manage mould under that policy and assist to establish procedures and processes.

Should you have any questions or comments on any of the information in this guide, please email leadingpractice@chiavic.com.au.

Key resources

The key resources referred to in this guide can be found below.

Key resources	Links
Consumer Affairs Victoria (CAV) Director's Guidelines	Guideline 1 - Maintenance
	Guideline 2 - Cleanliness
	Guideline 4 - Urgent repairs
Residential Tenancies Act 1997 (RTA)	RESIDENTIAL TENANCIES ACT 1997
Residential Tenancies Regulations 2021	RESIDENTIAL TENANCIES REGULATIONS 2021 (SR NO 3 OF 2021)
Residential Tenancies (Rooming House Standards) Regulations 2023	RESIDENTIAL TENANCIES (ROOMING HOUSE STANDARDS) REGULATIONS 2023

Definitions

The definitions for common terms used in this guide are set out below.

Term	Definition
CAV	Consumer Affairs Victoria, or the Director of Consumer Affairs
RTA	The Residential Tenancies Act 1997 (Vic). The principal legislation governing rental housing in Victoria
VCAT	Victorian Civil & Administrative Tribunal. A legal institution set up to administer several Acts. For residential tenancies, the



Background

Mould is a type of fungi that spreads through spores and can quickly grow on surfaces where dampness persists.

Dampness is an excess of moisture that cannot escape from a structure and can go on to cause significant damage to the building and personal belongings.

Mould can be visible but can also be present in wall or ceiling cavities.

Ideal conditions for growth are when homes are cold, humid, lack air flow, or are water damaged. Mould can be exacerbated during winter, particularly in Victoria.

Mould can be prevented by taking measures to reduce moisture in the home, including adequate ventilation.

The implementation of prevention strategies and treating mould early can minimise harmful exposure and damage to properties and renters personal belongings.

Causes

Common causes for mould include:

- Leaky roofs and walls;
- Blocked gutters and downpipes;
- Leaky plumbing;
- Condensation from cooking, showering and laundry;
- Conditions that lack heat, insulation and ventilation;
- Extreme weather conditions such as storms, heavy rainfall and flooding;
- Building characteristics such as ventilation, construction type, building materials and quality of the build.

Potential impacts

Mould left untreated may result in:

- Property damage – mould can weaken building materials and over time can lead to affecting the structural integrity of the building, for example collapsed ceilings and rotten timber.



- Health risks – the health risks associated with mould can have a serious impact on the health and wellbeing of renters. Respiratory issues and allergens can be exacerbated, and living with mould in the home can have a negative impact on mental health.
- Personal belongings – damage to clothing and furniture resulting in costly replacements.
- Cost – thermally efficient homes require less energy to heat, a property that is damp can be expensive for renters to keep warm.

Identifying mould

Signs of mould can be identified by:

- Visible mould growth – mould can appear in a variety of colours and is more likely to grow in damp areas such as bathrooms, basements or around leaky pipes.
- A musty odour.
- Allergic reactions – respiratory issues, sinus congestion and skin irritations.

Mould is not always immediately obvious as it can grow in concealed areas such as wall spaces and cupboards.

Minimum standards

Rental properties must meet prescribed rental minimum standards before a renter moves in.

The minimum standards are provided in [Regulation 29, Schedule 4](#) for general tenancies, and in the [Rooming House Standards](#) Regulations for rooming houses.

Minimum standards related to mould include:

- Mould and damp – all rooms must be free from mould and damp caused by or related to the building structure; and
- Ventilation – each habitable room including the bathroom, shower, toilet and laundry must have adequate ventilation, appropriate to the relevant building code for the class of building (Building Code of Australia ventilation standards).

Mandatory disclosures

Before entering into a rental agreement, rental providers must disclose certain information to renters before the agreement is signed ([s30D](#), [Regulation 16](#) for general tenancies, [s94I](#), [Regulation 42](#) for rooming houses).

Disclosures relevant to mould include:



- If the property complies with the rental minimum standards; and
- If the rental provider has received a repair notice for mould or damp related to or caused by the building structure in the last 3 years (applicable from 31 December 2021).

Urgent repairs

Rental providers must ensure urgent repairs are attended to immediately, and are defined in [s3\(1\)](#) of the RTA.

Urgent repairs related to mould include:

- Burst water service;
- Blocked or broken toilet system;
- Serious roof leak;
- Flooding or serious flood damage;
- The property does not meet minimum standards;
- An appliance, fitting or fixture that is not working and causes a lot of water to be wasted; and
- Any fault or damage that makes the property unsafe or insecure, including pests, mould or damp caused by or related to the building structure.

This should be read and interpreted in conjunction with the Director's Guidelines, discussed below.

Director's Guidelines

The Director of Consumer Affairs Victoria has issued guidelines which the Victorian Civil & Administrative Tribunal (VCAT) must consider when determining relevant disputes.

[Guideline 1 - Maintenance](#)

The maintenance guidelines make it clear that the rental provider's duty to maintain the premises under [s68](#) of the RTA includes:

"treating mould or damp that is caused by or related to the building structure".

The guidelines differentiate this with mould or damp that is a renter responsibility where:

"caused by a renter's failure to ensure that care is taken to avoid damaging the premises, for example, by not using exhaust fans in the bathroom".

[Guideline 2 - Cleanliness](#)

The guidelines outline key factors to consider when determining whether a property is reasonably clean, including:



“The presence of mould or damp, and whether the mould or damp was caused by a renter’s failure to take care of the premises, as compared to mould or damp caused by or related to the building structure”.

Examples are provided of what would be expected in premises which are ‘reasonably clean’ which includes:

“Baths, showers, toilets, sinks and vanity units to be free from dirt/dust, stains, soap scum and mould caused by the renter’s failure to take care”.

[Guideline 4 - Urgent repairs](#)

The urgent repairs guidelines clarify the definition of responding ‘immediately’ to urgent repairs, which is dependent on the urgency of the repair (as urgent repairs are not all equally urgent), and the complexity or significance of the repair.

Considerations which affect the scale of urgency include whether failing to respond to the issue poses a severe risk to the health and safety of renters or has caused (or the potential to cause) serious damage to the property or the renter’s belongings.

Factors which affect the complexity or significance of an urgent repair include repairs that are not simple to resolve, dependencies on other parties, and difficulties with gaining access to the property.

“Examples of significant or complex repairs, which may not allow for immediate resolution include:

- *A blocked toilet that is the result of tree roots growing in the pipes.*
- *Mould remediation...”*

Determining liability

Who is responsible for treating mould and damp depends on what caused the problem.

Rental providers are responsible where it relates to or is caused by the building structure.

Renters are responsible where the renter has caused or contributed to mould or damp at the property.

In determining liability, CHOs should investigate the cause of the mould to determine whether responsibility for treatment is the responsibility of the rental provider (caused by or related to the building structure), or the renter (caused by or contributed to by the renter’s use of the home).

Sometimes finding out the cause is complex, could be due to a combination of factors, and in some cases, responsibility is unable to be clearly determined.



In either case, CHOs should work with renters to seek agreement on a plan and proceed with action to treat mould quickly.

Rental provider responsibilities

Under [s68](#) of the RTA, rental providers are responsible for ensuring the property is maintained in good repair and in a reasonably fit and suitable condition for occupation.

What constitutes as structural mould, where it relates to or is caused by the building structure includes, but is not limited to:

- Water leaks – due to a leaky roof, walls, windows, blocked gutters and downpipes.
- Rising damp – caused by water rising from the ground into the property.
- Penetrating damp – caused by defects in the structure of the property such as missing roof tiles.

CHOs should proactively take and assist renters to take preventative measures and promptly treat mould to provide and maintain a safe and healthy living environment. Responsibilities may include:

- Checking the property is free from mould and that each room is adequately ventilated to minimum standards during vacant maintenance works.
- Informing prospective renters if the available property was treated for mould in the last three years, that the issues that caused the mould were fixed after it was reported, and that the property was checked during the vacant maintenance works to make sure it remains in good repair and is safe to live in.
- Regularly inspecting the property for mould in visible areas during property visits.
- Ensuring heating, ventilation and cooling systems are maintained according to the manufacturer's instructions.
- Promptly attending to repairs that are the rental provider's responsibility, in particular water leaks and plumbing problems, and any other building faults.
- Ensuring water damaged carpets and building materials that are the rental provider's responsibility are cleaned and dried completely.
- Urgently attending to reports of mould, identifying the potential causes and solutions to rectify the issue. Sometimes finding out the cause is complex and could be due to a combination of factors.
- Urgently treating mould that is found to be related to or caused by the building structure. Engaging professional mould removal services if required, particularly in circumstances of persistent and recurring mould, to identify the root cause and provide effective treatment solutions.
- Providing renters with practical and accessible information when requested about how to prevent mould, supporting renters to resolve issues with mould, engaging with support workers where applicable, and making referrals to specialist support services if required.



- Where mould poses a serious health risk to the renter and their household, rental providers should work with renters and their supports to explore options available based on their individual circumstances, for example temporary or permanent relocation.

Renter responsibilities

Under [s63](#) and [s61](#) of the RTA, the renter must keep the property reasonably clean and free from damage, and under [s62](#) the renter must notify the rental provider of damage and/or breakdown of facilities as soon as practicable.

What constitutes as mould caused by or contributed to by the renter includes, but is not limited to:

- Failing to adequately ventilate the property through the use of exhaust fans.
- Lack of a reasonable level of cleanliness, particularly in bathrooms.
- Failing to report water leaks or other repairs which has resulted in increased levels of moisture and damp.

Renters should take reasonable steps to prevent and manage mould, including:

- Where the presence of mould is identified at the property, reporting it to the rental provider immediately.
- Reporting water leaks and plumbing problems or any other issues which may be contributing to the mould immediately.
- Maintaining the property to a reasonable level of cleanliness (regular cleaning of bathrooms and wet areas).
- Wiping away excess water caused by condensation on windows.
- Taking measures to reduce condensation by using exhaust fans and opening windows and doors particularly when cooking, showering, and washing and drying clothes.
- Ventilating the home regularly by opening doors, windows, blinds and curtains (when weather permits).
- Avoid placing mattresses on the floor without adequate ventilation.
- Increasing air circulation around furniture by allowing space between furniture and walls.
- Making sure laundry and shoes are dry before storing them away in wardrobes and cupboards.
- Making arrangements for the treatment of mould or damp where it has been found that the renter caused or contributed to the mould or damp at the property.
- Allowing contractors access to the property for treatment to be completed.
- Any other reasonable measures to address issues that have caused or contributed to mould at the property.



Not every renter will be in a position to resolve mould issues themselves and CHO's should engage with supports where relevant or make referrals to appropriate support services if required.

Mould treatment

Mould should be removed as soon as it appears.

Whether professional mould treatment services should be engaged will depend on the severity of the issue.

General information about mould can be found through the Better Health Channel website [Mould and your health - Better Health Channel](#), and information about removing mould, including safety considerations can be found here [Mould removal at home](#).

Depending on the type of treatment, renters may need to prepare their home and personal belongings for treatment, for example:

- Clearing away belongings to allow access to affected areas.
- Safely securing all personal items and consumables that may be contaminated by cleaning chemicals.
- In circumstances of severe mould, disposal of personal belongings that are not salvageable.

Dispute resolution

Where agreement about who is responsible for the treatment of mould cannot be reached, resolution may be sought through:

- Making an application to VCAT for a decision.
- Mediation or dispute resolution services.
- Obtaining an assessment report by a mould remediation specialist, an occupational hygienist, environmental health professional or expert from the local council.
- Obtaining a report from a medical professional, such as a doctor.
- The CHO's internal complaints process.

