

DAMP AND MOULD



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AN INTRODUCTION TO CLAIMING COMPENSATION: DAMP AND MOULD

ABOUT THIS BOOKLET

Living in a property affected by damp and mould can have a serious impact on health and wellbeing.

Where the condition of a property is not properly maintained, exposure to mould spores and damp conditions may lead to or worsen medical conditions, particularly those affecting the respiratory system.

This booklet provides a basic outline of:

- What mould and damp are
- Who may be affected
- What causes these conditions
- The responsibilities of landlords and property owners
- What steps individuals should take
- Time limits for bringing a claim



WHO CAN BE AFFECTED BY DAMP & MOULD?

Mould and damp can affect anyone living in a property where these conditions are present, particularly where issues are allowed to persist over time.

Those most at risk include:

- Tenants in privately rented accommodation
- Individuals in social housing or housing association properties
- Children and older adults
- Individuals with existing respiratory conditions

Claims may arise where the individual affected does not own or control the property, and another party is responsible for its maintenance or repair.

Exposure often occurs over a period of time where damp or mould problems have not been properly addressed.

WHAT CAUSES DAMP AND MOULD?

Mould and damp are typically caused by excess moisture within a property that has not been properly managed or repaired.

Common causes include:

- Leaks from roofs, walls, or plumbing
- Poor ventilation and condensation build-up
- Structural defects or water ingress
- Inadequate heating or insulation
- Failure to carry out necessary repairs

Key features:

- Damp and mould often develop gradually over time
- Problems may worsen if left untreated
- Mould releases spores into the air, which may be inhaled
- The condition of the property plays a significant role

WHICH PARTS OF THE BODY ARE AFFECTED?

Exposure to damp and mould primarily affects the respiratory system, although other areas of health may also be impacted.

Key points:

- Mould spores can be inhaled into the lungs
- This can lead to irritation of the airways

Individuals may experience worsening of existing conditions

In some cases, skin and eye irritation may also occur due to prolonged exposure.

WHAT ARE THE SYMPTOMS?

Symptoms can vary depending on the level and duration of exposure, but commonly include:

Respiratory-related symptoms:

- Shortness of breath
- Persistent coughing
- Wheezing
- Chest tightness

Other symptoms:

- Aggravation or development of asthma
- Increased frequency of respiratory infections
- Irritation of the eyes, nose, or throat

Children, older individuals, and those with pre-existing health conditions may be particularly affected.

Symptoms may improve when away from the affected environment and worsen when returning.

WHAT SHOULD LANDLORDS OR PROPERTY OWENERS DO?

Landlords and those responsible for property maintenance have a duty to ensure that properties are safe and fit for human habitation.

This includes:

- Identifying and addressing sources of damp and mould
- Carrying out necessary repairs within a reasonable time
- Ensuring adequate ventilation and heating systems
- Responding appropriately to tenant complaints
- Maintaining the property in a good state of repair

Where these responsibilities are not met, the responsible party may be held liable if their failure has caused or contributed to ill health.

WHAT SHOULD YOU DO?

If you are living in a property affected by damp or mould, you should:

- Report the issue to your landlord or property manager as soon as possible
- Keep a record of complaints, correspondence, and photographs
- Seek medical advice if your health is affected
- Gather evidence of how the condition has impacted you

Seek legal advice to understand your position

Early action can help to resolve the issue and protect any potential claim.

TIME LIMITS

In Scotland, strict time limits apply to claims:

A claim must generally be raised within 3 years of becoming aware of the injury and its link to the condition of the property

Important points:

- If the time limit is missed, the claim may be time-barred
- This can prevent you from pursuing compensation
- It is therefore important to seek legal advice early

LEGAL POSITION IN SCOTLAND

Under Scots law, a claim may arise where a person has suffered injury as a result of living in unsafe or poorly maintained accommodation.

This means:

- Individuals affected by mould and damp exposure may be entitled to compensation
- Claims typically involve demonstrating that the responsible party
 - ◊ had a duty to maintain the property, and
 - ◊ failed to take reasonable steps to address the issue

Each case will depend on its individual facts, including the condition of the property and how long the issue persisted.

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The information contained in this booklet is more generalised and not a substitute for individual legal advice. You should talk to a lawyer or adviser before making any decision about a legal issue you are experiencing.