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Homeowner lost legal suit over mould

House was filled with 50 live potted plants covering every available space

Very soon after Stella Derosa moved into her condominium townhouse in Kamloops, B.C., in 1997, she began to wheeze and suffer from an extreme shortness of breath.

By early 1999, her cough and breathing difficulties were so severe that her doctor admitted her to hospital.

She was given intravenous fluids and prescribed inhaled corticosteroids and bronchodilators. Eventually they reduced the symptoms significantly.

Derosa and her doctor attributed the illness to the presence of mould in her condominium.

It was apparent that Derosa had asthma, respiratory sensitivity, and a severe allergy to mould and moisture-related toxins.

Over the previous 25 years, she had missed time from work due to asthma attacks, and had adverse reactions to paint fumes, mould and even new file folders.

Prior to closing, Derosa had obtained a home inspection which did not indicate any presence of mould or water leakage in the basement of the townhouse.

It wasn't long before she sued the vendor's estate (the elderly former owner had died), the real estate agents, home inspector and the condominium corporation. (In B.C., they're called strata corporations.)

After reading the court decision in *Derosa vs. Homing*, I began to research the subject of mould and found an interesting presentation on the housemaster.com Web site.

Mould spores are always present in both indoor and outdoor air. When they come to rest on surfaces and come in contact with moisture, they germinate and begin to grow. They can be allergenic, infectious or even toxic.

Various moulds will cultivate on and damaged wood, paper, carpeting, drywall and other organic matter.

When these materials are left unprotected and exposed to humidity, mould will grow. If this happens indoors, air quality is affected and occupants are exposed to potentially hazardous moulds, particularly if it is allowed to flourish unchecked.

Some of the health effects of mould include asthma, allergic reactions, dizziness, fatigue, severe headaches, and extremely serious illness if the mould becomes toxic.

When an environmental assessment company came to inspect the Derosa condominium before the court hearing, they found more than 50 live potted plants covering what seemed to be every available surface.

In addition, there were numerous plastic flowers, ribbons, craft materials and styrofoam in the basement.

Some evidence was given that Derosa was growing the plants to give to patients in a chronic care facility, and that Derosa's health problems were the result of mould in the potted plants.

No evidence was produced at trial to show that there was any misrepresentation by the vendor or real estate agent as to the existence of moisture or mould in the unit during the period of ownership of the prior owner.

The environmental assessment firm could not conclude that these elements existed in the unit either prior to Derosa's purchase or at the time of their inspection two years later.

As well, the condominium corporation was held blameless in an allegation that it had negligently permitted the basement walls to leak.

All of the defendants applied to the court for an order dismissing the plaintiff's case on the grounds of insufficient evidence.

Late last year, the B.C. Supreme Court ruled that there was no connection between the conduct of the defendants and Derosa's medical complaints.

As well, it ruled that the plaintiff had not proven that there was mould in the unit prior to her purchase. The claim was dismissed and the plaintiff had to pay the costs of the defendants.

Homeowners concerned about the existence of mould in their homes might heed some specific recommendations to reduce mould, including:

Keep humidity levels below 50 per cent

Use an air conditioner or dehumidifier during humid months

Make sure the house is well ventilated, and has exhaust fans in the kitchen and bathrooms

Use mould inhibitors when painting

Clean bathrooms with mould-killing products

Do not carpet bathrooms

Remove any water-damaged components promptly

And of course, keep the houseplants to a minimum.

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