



**TOWN OF TORBAY
PROPERTY STANDARDS
&
MAINTENANCE BY-LAWS**

August 2025



TOWN OF TORBAY
PROPERTY STANDARDS & MAINTENANCE BY-LAWS

CAME INTO EFFECT: These Property Standards & Maintenance By-laws came into effect and were adopted by Council, this 5th day of August 2025. Motion No.: RES-200-2025.

Signed and Sealed:

Kim Osmond
Town Clerk

Craig Scott
Mayor

TOWN OF TORBAY PROPERTY STANDARDS & MAINTENANCE BY-LAWS		
Original Adoption to align with new Towns and Local Service Districts Act, 2023	August 5, 2025 – Motion # RES-200-2025	Rev 0

Pursuant to the authority conferred in Section 8.(1) of the *Towns and Local Service Districts Act, 2023*, the Town Council of Torbay adopted the following By-laws on August 5, 2025.

1. TITLE

- 1.1. These By-laws may be cited as the "Town of Torbay Property Standards & Maintenance By-laws"; hereinafter referred to as "these By-laws".

2. PURPOSE

- 2.1 The purpose of these By-laws is to establish a set direction for the Town and its residents/developers in relation to property standards and maintenance.

3. APPLICATION

- 3.1 These By-laws shall apply within the municipal boundaries of the Town of Torbay.

4. REPEAL OF PREVIOUS REGULATIONS

- 4.1 All previous Town of Torbay Property Standards & Maintenance Regulations and amendments are repealed.

5. DEFINITIONS / INTERPRETATION

For these By-laws, the following definitions shall apply:

- 5.1 "Act" means the Towns and Local Service Districts Act, 2023.
- 5.2 "Building Line" means a line established by Council that runs parallel to the street line and is set at the closest point to a street that a building may be placed. A corner lot is deemed to have a building line setback on both the primary and flanking street.
- 5.3 "Council" means the Municipal Council of the Town of Torbay.
- 5.4 "Commercial Property" means any property or building that is used or designed for use for business, commercial, industrial or institutional purposes or vacant land within a commercial zone.
- 5.5 "Dwelling" means a self-contained unit consisting of one or more habitable rooms used or designed as living quarters for one or more persons.
- 5.6 "By-law Enforcement Officer" means a person appointed under Section 278 of the Act.

- 5.7 "Highway" means a place or way, including a structure forming part of the place or way, designed and intended for, or used by, the public for the passage of traffic and includes all the space between the boundary lines of the place or way.
- 5.8 "Inspector" means a person appointed as a By-law Enforcement Officer or an Inspector by the Council in accordance with Sections 278 or 279 of the Act.
- 5.9 "Land" includes land covered by water and buildings and structures on, over, or under the soil and fixtures that form part of those buildings and structures.
- 5.10 "Occupant" of any property means a person who:
- 5.10.1 owns the property;
 - 5.10.2 resides at the property;
 - 5.10.3 conducts business at the property;
 - 5.10.4 is in physical possession of the property; or
 - 5.10.5 has responsibility for, and control over, the condition of the property, the activities conducted on the property and the persons allowed to enter the property; for purposes of these By-laws there may be more than one occupant of the same property.
- 5.11 "Person" means a natural person, a firm, partnership, corporation or company and includes the heirs, executors, administrators or other legal representatives of a person.
- 5.12 "Residential Property" means a dwelling and the land around it and all other buildings or structures, fences, barriers or other erections therein and thereon or vacant land within a residential zone.
- 5.13 "Vacant" when applied to dwellings, property or land means unoccupied and which are not being used nor intended to be used for the accustomed and ordinary purposes of a dwelling, property or land as designated in the Town of Torbay Development Regulations.
- 5.14 "Waste Material" means:
- 5.14.1 refuse, garbage, deceased animals, rubbish, scrap and discarded material, including, but not limited to, tailings, offal, machinery, products, vehicles and other articles which are dumped, discarded, abandoned or otherwise disposed of;
 - 5.14.2 a material or thing or substance that may be a danger to the health and safety of human beings, animals, wildlife or fish or is of unsightly appearance;
 - 5.14.3 a substance designated as waste material by Council.

6. GENERAL DUTIES AND OBLIGATIONS

- 6.1 The owner and the occupant of a residential property or commercial property shall be jointly and severally liable to maintain the property in a clean and sanitary condition and free from fire, health and accident hazards.
- 6.2 All parts of a property shall be kept clean and free from:
 - 6.2.1 waste material, garbage and other debris;
 - 6.2.2 growth of weeds and grass that is detrimental to the health, safety or welfare of the occupants or the public or that by reason of not being cut regularly are excessive when compared with neighboring properties, and
 - 6.2.3 objects and conditions, including holes and excavations that are, or might create health, fire or accident hazards, or that have been left open or abandoned for a period of time determined to be excessive by Council and/or the Inspector;
 - 6.2.4 graffiti
 - 6.2.5 any materials, vehicles, buildings, structures, landscaping conditions or any other thing or object therein or thereon a residential or commercial property which is determined to be unsightly, unsafe, or adversely affecting surrounding properties by Council and/or the Inspector.
- 6.3 No person shall repair, dismantle or scrap a vehicle on a residential property except for repairs of a minor nature, such as repairing flat tires, boosting batteries, changing filters or replacing spark plugs to a vehicle, which is owned by an occupant of the residential property on which the repairs are being affected, except where the vehicle or parts thereof are enclosed within a building. Such building shall be subject to Council's approval and must comply with the provisions for accessory buildings in the Town's Development Regulations.
- 6.4 No person shall deposit, discard or keep a wrecked, discarded, dismantled, inoperative, unused, or abandoned vehicle, trailer or other machinery or any parts thereof on any property within the Town except where the vehicle or parts thereof are enclosed within a building. Such building shall be subject to Council's approval and must comply with the provisions for accessory buildings in the Town's Development Regulations.
- 6.5 No person shall park, or cause to be parked, a vehicle on residential property beyond the building line unless such vehicle is parked in an approved driveway or parking space.
- 6.6 Vacant dwellings, residential property, commercial property and any land within the Town designated as any particular zone under the Town of Torbay Development Regulations shall be maintained in accordance with these regulations as well as the following:

- 6.6.1 The owner of any vacant dwelling shall protect every such dwelling against risk of accident or other danger by effectively preventing the entry thereto by all unauthorized persons. This protection may include boarding up the dwelling with tight fitting plywood, securely fastened to every doorway, window or wall opening that constitutes a means of access, hazard or an unsightly appearance.
- 6.6.2 The owner of any vacant dwelling shall maintain the structural integrity of the dwelling. No person shall reoccupy a vacant dwelling without having repairs carried out on the dwelling to rectify any structural issues by a qualified and competent person.
- 6.6.3 The owner of any vacant dwelling shall keep the dwelling and property free of rodents, varmints and pests. No person shall reoccupy a vacant dwelling without having the dwelling and property treated by a qualified pest control professional.

7. ENFORCEMENT

- 7.1 These By-laws may be enforced by the Director of Planning & Development, or any designate or person appointed by Council as By-law Enforcement Officer or Inspector. Any designate or person appointed by Council shall have the power to enter upon any property or any land or premise within the Town where he or she knows or suspects any matter, thing or waste material is placed or kept in violation of these By-laws. Enforcement procedure of these By-laws will follow that outlined in 'Appendix A - General Enforcement Procedure.'
- 7.2 The Town of Torbay will enforce these By-laws in accordance with Section 280 to Section 291 of the Act, and in coordination with the Occupancy and Maintenance Regulations made under section 36 of the Urban and Rural Planning Act.
- 7.3 Where a provision of this By-law conflicts with a provision of another Act, Regulation or By-law in force in the planning area concerned, the provisions that establish the higher standard to protect the health safety and welfare of the general public shall prevail.

8. APPENDIX A - GENERAL ENFORCEMENT PROCEDURE:

8.1 IDENTIFICATION

Issue to be identified by Town employee, Council member or member of the public, and forwarded to the Planning and Development Department to be assessed.

8.2 ASSESSMENT

Issue will be assessed by the Planning and Development Department, By-law Enforcement Officer or Inspector designated by Council which shall include a site visit and a written report to the Director and any other relevant departments within the Town and/or any Provincial departments that may have interest in the issue.

8.3 FIRST NOTIFICATION

The property owner will be notified by phone and a written notice that an issue has been identified with the property and will be asked to rectify the issue or present an acceptable plan to the Town within fourteen (14) working days.

8.4 SECOND NOTIFICATION (IF REQUIRED)

If the property owner has not rectified the issue or contacted the Town with an acceptable plan within the fourteen days, a written notice will be sent via Registered Mail to the property owner or posted on the property where required in keeping with the requirements of the Act, requesting action is taken within twenty (20) working days or a legal order may be issued and the Town may undertake the work to rectify the issue and charge related costs to the property owner.

8.5 ORDER ISSUED

Where the Town Council is of the opinion that a person is contravening these By-laws, the Town may issue an Order in accordance with Section 285 of the Act

- directing a person to stop doing something or to change the way in which the person is doing something; and/or
- direct a person to take an action or measure necessary to remedy the contravention of these By-laws.

A person ordered to carry out an action or to stop an action shall be served with an Order and shall comply with that Order at that person's own expense. An Order that is issued by Council will continue in force until revoked by Town Council.

A person aggrieved by an Order made in accordance with the Act may, within 14 days of the service or posting of the Order, appeal to an adjudicator appointed under the Urban and Rural Planning Act, 2000 in accordance with the appeal requirements under the Urban and Rural Planning Act, 2000 and the adjudicator may make an Order with respect to the matter in accordance with the Act and the Urban and Rural Planning Act, 2000.

- 8.6 Council may issue a violation notice to a person who contravenes a By-law made by Council in accordance with Section 287 of the Act.