



TOWN OF TORBAY BUILDING BY-LAWS

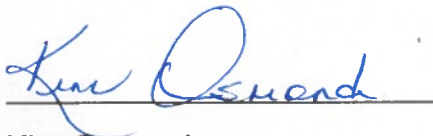
August 2026



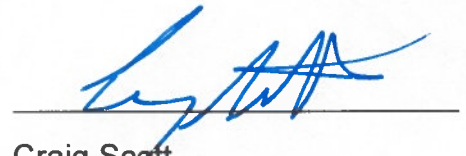
TOWN OF TORBAY
BUILDING BY-LAWS

CAME INTO EFFECT: These Town of Torbay Building By-laws came into effect and were adopted by Council, this 10th day of August 2026. Motion No.: RES-228-2026.

Signed and Sealed:



Kim Osmond
Town Clerk


Craig Scott
Mayor

TOWN OF TORBAY BUILDING BY-LAWS		
Original Adoption	August 10, 2026 – Resolution # RES-228-2026	Rev 0

Pursuant to the authority conferred in Section 7(1)(c) of the *Towns and Local Service Districts Act, 2023*, the Town of Torbay has adopted the following By-laws on August 10th, 2026.

1. TITLE

- 1.1 These By-laws may be cited as the ***"Town of Torbay Building By-laws"***; hereinafter referred to as "these By-laws".

2. PURPOSE

- 2.1. The purpose of these By-laws is to specify permitting requirements and controls for:
- 2.1.1. the construction, alteration, reconstruction and occupancy of buildings; and
 - 2.1.2. the demolition, removal and relocation of buildings; and
 - 2.1.3. building as defined under Section 4.4 in the Town of Torbay.

3. APPLICATION

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

4. INTERPRETATION / DEFINITIONS

- 4.1. "Act" means the Towns and Local Service Districts Act, 2023, unless otherwise specified.
- 4.2. "Applicant" means the property owner or his/her authorized representative.
- 4.3. "By-laws" means the Town of Torbay Building By-laws.
- 4.4. "Building" means:
- 4.4.1. A structure, erection, alteration or improvement placed on, over or under land, or attached, anchored or moored to land;
 - 4.4.2. Mobile structures, vehicles and marine vessels adapted or constructed for residential, commercial, industrial and other similar uses;
 - 4.4.3. A part of and fixtures on buildings referred to in (4.4.1.) and (4.4.2.); and

- 4.4.4. An excavation of land whether or not that excavation is associated with the intended or actual construction of a building or thing referred to in (4.4.1.) to (4.4.3.).
- 4.5. "Council" means the Town Council of Torbay.
- 4.6. "Department" means the Planning and Development Department.
- 4.7. "Dwelling" means a building used as a residence.
- 4.8. "Development Control Officer" means any person designated by Council to administer and /or enforce these By-laws, the zoning by-laws and other applicable by-laws.
- 4.9. "Municipal Enforcement Officer" means any person designated by Council to administer and/or enforce these By-laws.
- 4.10. "Torbay Volunteer Fire Department" means any person designated by Council to administer and/or enforce the National Fire Code and Life Safety Code and the Torbay Fire Prevention By-Law.
- 4.11. "Zoning By-laws" means the Town of Torbay Development Regulations enacted by Council under the Urban and Rural Planning Act, 2000.
- 4.12. "Municipal Plan" means the Town of Torbay Municipal Plan as enacted by Council under the Urban and Rural Planning Act, 2000.
- 4.13. "Occupancy and Maintenance Regulations" means the provincial Occupancy and Maintenance Regulations enacted under the Urban and Rural Planning Act, 2000.
- 4.14. "Property Standards and Maintenance By-laws" means the Town of Torbay Property Standards and Maintenance By-laws as enacted under the Town and Local Service Districts Act, 2023.
- 4.15. "Professional Architect" means a person licensed with the Architects Licensing Board of Newfoundland and Labrador (ALBNL) to provide architectural services under the Architects Act, 2008.
- 4.16. "Professional Engineer" means an engineer licensed with the Professional Engineers and Geoscientists Newfoundland and Labrador (PEGNL) to practice engineering under the Engineers and Geoscientists Act, 2008.
- 4.17. "Professional Surveyor" means a surveyor registered with the Association of Newfoundland Land Surveyors under the Land Surveyor's Act, 1991.
- 4.18. "Town" means the Town of Torbay as defined in the Towns and Local Service Districts Act, 2023.

- 4.19. "Order" means an Order by Council which requires all actions as specified, including but not limited to documentation to be provided or work to be carried out or work to be ceased, to be addressed to the satisfaction of the Town within the time period specified in the Order.
- 4.20. "Owner" means the property owner as recorded on the assessment roll of the Town of Torbay.
- 4.21. "Site" means the subject property which is the location of the development project.
- 4.22. "Service NL" means the Government of Newfoundland and Labrador office of Digital Government and Service NL.

5. CONSTRUCTION CODES

- 5.1. Through adoption of these *By-laws* in accordance with Section 7(1)(c) of the *Act*, the Town adopts the following Codes with any supplements, amendments or successive editions in accordance with Section 7(3) and 7(4) of the *Act*, coming into legal effect, as of the effective date of the issuance of the successive editions:
 - 5.1.1. National Building Code of Canada 2025
 - 5.1.2. National Energy Code of Canada
 - 5.1.3. National Energy Code of Canada for Buildings 2025,
 - 5.1.4. National Fire Code of Canada 2025;
 - 5.1.5. National Plumbing Code 2025;
- 5.2. The Life Safety Code, 2024 Edition, being Document 101 of the National Fire Code Standards of the National Fire Protection Association (USA) is hereby declared to be and shall be taken as part and parcel of these By-laws as if the same were repeated herein in full, as amended from time to time pursuant to the provisions of the *Act*.

6. PERMIT REQUIREMENTS

- 6.1. No building shall be constructed, placed, erected, changed, altered, extended, repaired, or demolished unless a permit for such use has been issued by the Town and in accordance with these By-laws.

- 6.2. A building permit shall be required from the Town for:
 - 6.2.1. all new construction and extensions, placement of buildings, additions, structural changes affecting load bearing members, floor layout changes, and relocation of existing buildings;
 - 6.2.2. all repairs or renovations to existing buildings not covered by (a) above and that are not exempt from permitting;
 - 6.2.3. the construction, alteration or repair of retaining walls, driveways, walkways, steps, parking areas or other areas for vehicular traffic and changes or alteration to landscaping;
 - 6.2.4. service repairs on private property;
 - 6.2.5. demolition of buildings; and
 - 6.2.6. re-grading of property, including the excavation of land, placement or removal of materials or fill.
- 6.3. An electrical permit shall be required from Service NL prior to any electrical work commencing on the building.
- 6.4. A plumbing license shall be required from the Town prior to any plumbing work commencing on the building.
- 6.5. Written confirmation from a licensed /certified contractor shall be required for the installation of any ventilation equipment, propane appliances /fireplaces, heat pumps /mini splits, oil fire burners, woodstoves /chimneys and for any similar installations.
- 6.6. An occupancy permit shall be required from the Town for human habitation or commercial occupation as required by the Occupancy and Maintenance Regulations, and further detailed by these By-laws prior to occupancy:
 - 6.6.1. of a new building;
 - 6.6.2. of an existing building that has been altered, extended, or repaired;
 - 6.6.3. for a change in use; and/or
 - 6.6.4. for a change in tenant.
- 6.7. A demolition permit shall be required from the Town prior to the removal, destruction, or demolition of any building or part thereof.
- 6.8. All building work shall be carried out in accordance with these By-laws, conditions stated on the permits, and any other By-law or regulations enacted by the Town.
- 6.9. A copy of the permit issued shall be kept posted in a conspicuous place at the location of the project for the duration of the work.

- 6.10. A copy of the approved plans shall be kept at the location of the project, available to the Town, for the duration of the work.
- 6.11. No person shall erase, alter, or modify any plans or specifications upon which a permit has been granted by the Town, unless the Town has approved such changes.
- 6.12. If during the progress of work the applicant wishes to deviate and/or revise the plan filed with the application for a permit in any manner affecting the construction or other essentials of the building, request of such deviation and/or revision together with new plans and specifications shall first be given in writing to the Town, whose written approval shall be obtained prior to the deviation and/or revision being implemented.
- 6.13. All permits issued by the Town under the provisions of these By-laws shall expire twelve (12) months from the date of issue, unless otherwise noted on the permit or an extension has been granted, in accordance with the Zoning By-laws.
- 6.14. The applicant shall be responsible for ensuring a safe work site. For commercial, industrial and multi-unit residential developments this shall include the erection of security fencing or barriers surrounding the construction site in order to restrict public access to the construction site. The installation of security fencing or barriers also applies to other types of buildings proposed for demolition when required by the Town for safety purposes.
- 6.15. The Town may revoke any permit issued under the provisions of these By-laws for any of the following reasons:
 - 6.15.1. construction activity has ceased for a period of six (6) months;
 - 6.15.2. when, in the opinion of the Town, the construction is unduly delayed;
 - 6.15.3. there has been a violation of these By-laws, municipal policy, development regulations, any other by-law or legislation applicable thereto; or
 - 6.15.4. when, in the opinion of the Town, the continuance of the work becomes dangerous to life or property; and
- 6.16. Notice of revocation of any permit shall be mailed or delivered to the applicant or posted upon the site by the Municipal Enforcement Officer or Development Control Officer. After such notice is received or posted, it shall be a violation of these By-laws to proceed with any work for which such permit was issued.

7. APPLICATION

- 7.1. The applicant for a permit shall file with the Town a completed and signed application form as prescribed by the Town. The application for a permit shall include:
 - 7.1.1. the civic address of the project;
 - 7.1.2. contact information, name and signature of the owner;
 - 7.1.3. contact information, name and signature of the applicant;
 - 7.1.4. contact information and name of the project engineer /architect /surveyor (as applicable);
 - 7.1.5. contact information and name of the contractor, (if applicable);
 - 7.1.6. a full description of the project;
 - 7.1.7. proposed plot plan indicating dimensions of building(s) and building line setbacks prepared by a professional surveyor, or by a professional engineer or architect when required by provincial legislation or building code or the Town;
 - 7.1.8. copy of survey of property;
 - 7.1.9. copy of deed of conveyance; and
 - 7.1.10. the total estimated cost of the project and any other information as may be required by the Town.
- 7.2. Complete plans and specifications outlining the project in clearly legible detail, and other such information as may be required by the Town, shall be submitted with the application, and shall be provided electronically in a PDF format; a CAD format with plot style included, or other file format that the Town may agree it is able to accept.
- 7.3. When required by the National Building Code of Canada or the Town, plans and specifications submitted with an application shall bear the authorized seal and signature of a Professional Engineer or Architect registered in the Province of Newfoundland and Labrador.
- 7.4. When required by the Town, work carried out under the provisions of Section 6 of these By-laws shall be inspected by a Professional Engineer or Architect registered in the Province of Newfoundland and Labrador who shall submit a declaration certifying that the work has been carried out in accordance with approved plans and specifications.
- 7.5. The Town may refer any application to such other agencies, jurisdiction, or departments for review and approval as is deemed necessary or as required by law prior to granting a permit.

- 7.6. The Town may require an applicant for a permit to give notice of the application by letter to any person or persons whose interest may be affected by the proposed work, or may require notice of such application to be given at the cost of the applicant by public advertisement in a newspaper circulated in the area.
- 7.7. The application, plans and supporting documents shall be reviewed by the Town and, if found to be in conformity with these By-laws and all other applicable legislation and regulations, the Town may issue a permit for the work proposed upon receipt of the appropriate permit fee.
- 7.8. The Town may, upon granting a permit, impose such conditions as may be necessary to fulfill the requirements of these and other applicable By-laws or Regulations. Such conditions or requirements shall be outlined to the applicant in writing prior to, or upon the granting of, the permit.
- 7.9. Council may reject any application for any building, the size, design, or appearance of which, or the location of which, or the use of which, is, in Council's opinion, unsuitable for the locality in which it is proposed to be erected, or placed, or inferior in general character to other buildings in that locality or any application which does not comply with these By-laws, or any other applicable legislation.
- 7.10. The Town, in its discretion, may issue a permit for an approved application for the construction of a portion of a building when plans for that portion have been submitted and approved, before the complete plans for the entire project have been reviewed and approved.
- 7.11. The applicant shall, at the request of the Town, provide a certification as to the total cost of construction, which certification must be signed by the owner.

8. FEES

- 8.1. The appropriate fees for a building permit, plumbing permit, occupancy permit, and/or demolition permit, as well as refundable deposits, levies and assessments shall be due prior to the issuance of a permit with fees being established by Council as part of the annual approval of the Town of Torbay Tax and Fee Structure pursuant to the *Act*.
- 8.2. Refundable deposits shall be released by the Town upon completion of work to satisfaction of the Town and permit conditions.
- 8.3. Requests for release of refundable deposits shall be made by the applicant to the Town in writing.

9. INSPECTIONS / PROGRESS OF WORK

- 9.1. Requests for inspections made under Section 9 of these By-laws shall be made to the Department at least two (2) working days prior to each required day of inspection.
- 9.2. Applicants must ensure that the following inspections are requested, carried out, and approved by the Town before the subsequent stage of construction.
 - 9.2.1. Water and sewer connections to municipal water and sewer mains shall be inspected and approved by the Town prior to backfilling.
 - 9.2.2. Fire Rating Inspection during construction and prior to Occupancy for Multi-Unit Residential Use, or other uses and as required by the Torbay Volunteer Fire Department.
 - 9.2.3. Fire and Life Safety Inspection (Commercial /Industrial /Multi-Unit Residential Use) as specified in approval or permitting conditions.
 - 9.2.4. Final Inspection:
 - 9.2.4.1. completion of all construction of the building prior to occupancy. Inspection shall be requested when building is ready for occupancy;
 - 9.2.4.2. site work inspection;
 - 9.2.4.3. completion of site requirements such as grading /landscaping or paving, ditching, culverting, including any development requirements or agreements applicable to the project;
 - 9.2.4.4. civic numbering completion.
- 9.3. A fee, as approved as part of the annual Town of Torbay Tax and Fee Structure, may be imposed upon the applicant, payable prior to the next stage of construction, if the Town is required to repeat a stage inspection because the previous stage was not completed properly or deficiencies noted were not corrected.
- 9.4. During any inspection, the Planning & Development Department, Development Control Officer, Municipal Enforcement Officer or Torbay Volunteer Fire Department will list any deficiencies that are noted on an Inspection Report; and a copy of the report will be issued to the applicant who shall address the deficiencies.
- 9.5. Any and all portions of a site for which a permit has been issued shall be made available for inspection as deemed necessary by the Planning & Development Department, Development Control Officer, Municipal Enforcement Officer or Torbay Volunteer Fire Department.

10. DEMOLITION REQUIREMENTS

- 10.1. Prior to obtaining a demolition permit, an applicant shall:
 - 10.1.1. provide written confirmation from Newfoundland Power that the electrical supply to the building has been disconnected and that adequate safeguards have been taken for the protection of adjacent power lines or equipment, or that protection is not required;
 - 10.1.2. contact the Town and request that the water supply to the building be discontinued and provide written verification that it has been discontinued;
 - 10.1.3. provide written confirmation that the building has been treated by a pest control company acceptable to the Town;
 - 10.1.4. pay the demolition permit fee; and
 - 10.1.5. provide Hazardous Materials Report, if deemed necessary by Town.
- 10.2. Work carried out under a demolition permit shall include:
 - 10.2.1. erection of security fencing or barriers surrounding a commercial, industrial or multi-unit residential building to be demolished, or when required by the Town in order to restrict public access to the demolition site and ensure public safety during the demolition of the building;
 - 10.2.2. removal of all foundation and footings if applicable;
 - 10.2.3. removal of any hazardous materials as per Government of Newfoundland & Labrador requirements;
 - 10.2.4. removal of any fuel tanks, lines, and related equipment as per Government of Newfoundland & Labrador requirements; and
 - 10.2.5. backfilling with suitable material, grading to match existing surrounding grades, and providing a suitable ground.
- 10.3. Persons who demolish a building, which is attached to another building or buildings, shall ensure the attached building is made weathertight and structurally sound in the opinion of the Town.

11. SITE STANDARDS / SAFETY AND CLEANLINESS

- 11.1. The applicant shall keep the site in a reasonably clean condition and shall remove all rubbish and debris, failing which, the Town may carry out the requirements of Section 11 and levy all costs against the owner.
- 11.2. Immediately following the completion of any work under a permit, or the revocation or expiration of any permit, the applicant shall remove from the site all unused building materials, all construction trailers or buildings, and all debris and rubbish, and shall restore the site to a clean condition; failing which, the Town may carry out the requirements of Section 11 of these By-laws and levy all costs against the owner.

12. OCCUPANCY

- 12.1. No building erected, constructed, changed, altered, extended, or repaired shall be occupied in whole or in part until an Occupancy Permit has been issued by the Town. Where the terms of a permit prescribe, notice in writing of the intent to occupy or use a building shall be given at least fourteen (14) days prior to the date proposed for occupancy.
- 12.2. Unless otherwise stated by the Town, the following shall be required prior to the issuance of an Occupancy Permit:
 - 12.2.1. final electrical certificate signed by Service NL, if electrical work has been undertaken on the building;
 - 12.2.2. final plumbing certificate to be completed by a licensed plumbing contractor, registered with the Town of Torbay, if plumbing work has been undertaken on the building;
 - 12.2.3. written confirmation from a licensed /certified contractor for the installation of any ventilation equipment, propane appliances /fireplaces, heat pumps /mini splits, oil fire burners, and woodstoves /chimneys;
 - 12.2.4. final site inspection by a Development Control Officer;
 - 12.2.5. final site inspection by the Town's Infrastructure and Public Works Department for culverts, headwall, ditching, driveways and any associated public infrastructure works;
 - 12.2.6. fire and life safety inspection where required under NBCC, NBFC and the Torbay Fire Prevention By-Law or required by the Torbay Volunteer Fire Department;
 - 12.2.7. certification by professional engineer, architect or surveyor, confirming completion of building and site work in accordance with approved plans and applicable codes for commercial, industrial or multi-unit residential

developments, and when otherwise required by national building codes, provincial legislation or by the Town;

12.2.8. payment of the occupancy permit fee; and

12.2.9. other such plans, information, certifications and specifications as may be required by the Town.

- 12.3. The Town may issue a Conditional Occupancy Permit provided there is no immediate life safety, accident, or health hazards present in the opinion of the Town.
- 12.4. If required by the Town, the applicant will pay a deposit prior to the issuance of a Conditional Occupancy Permit. The deposit shall reflect the value of the remaining required work as determined by the Town.
- 12.5. The Town may impose conditions specifying completion deadlines or other requirements before a Full Occupancy Permit can be issued.
- 12.6. Should the work required to be completed pursuant to a Conditional Occupancy Permit not be carried out within the time prescribed in the permit, the Town may use the deposit obtained under Section 12.4 to complete the work.
- 12.7. The Town may refuse to issue an Occupancy Permit if final approvals from other agencies, jurisdictions, or departments have not been obtained, if outstanding deficiencies are not corrected, if the building is insufficiently finished, whether for reasons of safety, appearance, water supply, sanitation, wind and water tightness, or for any other reason relevant to the degree of completion of construction which may render the building unsuitable for use or occupancy or applicable fees have not been paid.
- 12.8. No change shall be made in the use or occupancy of any building or any part thereof until the Town has issued a permit for the proposed occupancy.
- 12.9. An applicant, applying for a change of occupancy, shall file with the Town a completed application form detailing the intended use of the property and, if required by the Town, provide copies of complete floor plans electronically in a PDF format, a CAD format with plot style included, or other file format that the Town may agree it is able to accept.
- 12.10. A change of occupancy shall be subject to the requirements of these By-laws and any other applicable legislation, policy, regulation or by-law.

13. REMOVAL OF HOUSE

- 13.1. Where a building is in a dilapidated state, or is, in the opinion of the Council, unfit for human habitation, or the other use for which it is then being used, or is a public nuisance, the Council may order the owner or occupier to pull down, remove, fill in or otherwise destroy the building and return the site to its original state, or make the disposition or alteration of the building that the Order directs, within the time specified in the Order in accordance with the requirements of the *Act*.
- 13.1.1. unless a permit has been issued in accordance with these By-laws, the Council may order the owner or builder to stop construction, pull down, remove, fill in or otherwise destroy the building and restore the site to its original state, or make the disposition or alteration of the building that the Order directs, within the time specified in the Order; or
- 13.1.2. unless construction commences in accordance with the terms of a permit issued by the Town; or
- 13.1.3. other than under and in accordance with the terms of a permit issued by the Council and these By-laws adopted by Council;

14. ORDER

- 14.1. Where the Town is of the opinion that a person is contravening these By-laws or any other Town by-law, regulation or guideline adopted or approved under the Towns and Local Service Districts Act, 2023, or the Urban and Rural Planning Act, 2000, the Town Council may issue an Order for the property owner or applicant to address the non-compliance to satisfaction of the Town.

15. ORDER NOT OBEYED

- 15.1. Where an Order made under Section 14 of these By-laws is not complied with within the time set out in the Order, and a period of 14 days has passed from the time of service or posting of the notice, and an appeal has not been started, heard or otherwise disposed of under Section 16, the Council may carry out the work required by the Order through its employees or agents and may recover the cost of carrying out the Order as a civil debt from the person on whom the Order was served.
- 15.2. The Council or its employees or agents may take an action by way of prosecution or other legal proceeding including but not limited to an application for an injunction or declaratory relief which the Council or its employees or agents consider necessary to enforce these By-laws or an Order made under these By-laws.

16. APPEAL

- 16.1. A person has the right to appeal a permit issued under these By-laws or any conditions thereto in accordance with the *Act*. An appeal, grounds for appeal, and associated appeal fee shall be submitted to the Appeal Officer with the Government of Newfoundland & Labrador (Department of Municipal Affairs) within 14 days of the decision being issued by the Town. If the appeal, and grounds for appeal, and fee are not submitted within this time limit, the right to appeal is considered to be forfeited in accordance with the requirements of the Urban and Rural Planning Act, 2000.
- 16.2. A person aggrieved by an Order made under Section 285 of the *Act*, may, within 14 days of the service or posting of the Order, appeal the Order in accordance with Section 286 of the *Act*. An appeal, grounds for appeal, and associated appeal fee shall be submitted to the Appeal Officer with the Government of Newfoundland & Labrador (Department of Municipal Affairs) within 14 days of the decision being issued by the Town. If the appeal, and grounds for appeal, and fee are not submitted within this time limit, the right to appeal is considered to be forfeited in accordance with the requirements of the Urban and Rural Planning Act, 2000.
- 16.3. Where an appeal has been started under Section 286 of the *Act*, a town council shall not begin to carry out an Order made under Section 285 of the *Act* until the appeal has been heard or otherwise disposed of.
- 16.4. In accordance with Section 286(3) of the *Act*, a Stop Work Order remains in full effect and a person who violates that Order contravenes this *Act*.
- 16.5. In accordance with Section 286(4) of the *Act*, where a building poses an immediate threat to public health and safety, a town council may take the action it considers necessary to eliminate that threat and the costs of that action may be collected from the owner of that building as a civil debt owed to the town.
- 16.6. In accordance with Section 286(5) of the *Act*, where an Order relates to the removal or demolition of a structure, Council shall not proceed to act under Section 286(4) unless it has a report from an architect, an engineer, a building inspector, or the fire marshal that the building or structure is dilapidated or structurally unsound and that report is proof in the absence of evidence to the contrary that the building or structure is dilapidated or structurally unsound.
- 16.7. Enforcement of these By-laws may be carried out through an application for injunctive or declaratory relief as provided for under Section 104 of the Urban and Rural Planning Act, 2000.

17. COMPLIANCE WITH OTHER ACTS AND REGULATIONS

- 17.1. Nothing in these By-laws serves to exempt any persons from obtaining any license, permission, permit, authority or approval required by any other By-law of the Town or any statute or regulation of the Province of Newfoundland and Labrador or any other authority, and in such cases where more than one regulation or statute applies the more restrictive regulation or statute shall apply.

18. ENFORCEMENT

- 18.1. These By-laws shall be enforced by the Department, the Development Control Officer, the Municipal Enforcement Officer, the Torbay Volunteer Fire Department, and any employee or agent designated by Council.
- 18.2. In keeping with Section 172 of the Act and Section 105 of the Urban and Rural Planning Act, 2000, employees or agents of the Town authorized by Council may enter upon a property to make an inspection or survey for the purpose of these By-laws.

19. PENALTIES

- 19.1. Penalties may be applied in accordance with Section 290 of the *Act*.
- 19.2. This By-law shall not exclude the application of other penalties not expressly listed.
- 19.3. The obligations and duties of the Town as contained in these By-laws shall be binding and where the existence or extent of such obligations and duties conflict with other obligations and duties contained in other legislation then the provisions of these By-laws shall prevail.

20. REPEAL OF PREVIOUS BY-LAWS AND AMENDMENTS

- 20.1. None

21. PUBLICATION

- 21.1. The Notice of Adoption of these By-laws shall be published in a newspaper circulating in the area and in the Newfoundland and Labrador Gazette.