



TOWN OF TORBAY
BACKFILLING & EXCAVATION BY-LAWS

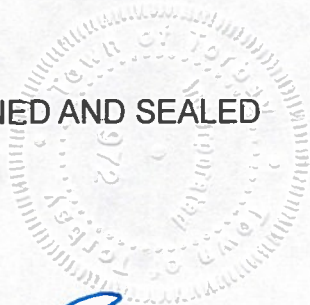
Revised September 2026



TOWN OF TORBAY
BACKFILLING & EXCAVATION BY-LAWS

CAME INTO EFFECT: These Backfilling & Excavation By-laws came into effect and were adopted by Council, this 14th day of September 2026. Motion No: RES-258-2026.

SIGNED AND SEALED



Craig Scott
Mayor

Kim Osmond
Town Clerk

TOWN OF TORBAY BACKFILLING & EXCAVATION BY-LAWS		
Original Adoption as Regulations	December 2012 – Resolution #571-12	Rev 0
Updates to align with new Towns and Local Service Districts Act, 2023 adoption as a By-law.	September 14, 2026 – RES-258-2026	Rev 1

Pursuant to the authority conferred in 8.(1) (b), (f) and (l), of the *Towns and Local Service Districts Act, 2023*, the Town Council of Torbay adopted the following By-laws on September 14, 2026.

1. TITLE

- 1.1. These By-laws shall be known as the Town of Torbay Backfilling and Excavation By-laws.

2. PURPOSE

- 1.2. The purpose of these By-laws is to establish a set direction for the Town and its residents / developers in relation to backfilling and excavating properties. These Backfilling and Excavation By-laws will allow Torbay Town Council to employ a consistent and equitable approach in relation to backfilling and excavating properties.

3. DEFINITIONS / INTERPRETATION

In these Backfilling and Excavating By-laws all terms will have definitions assigned in accordance with the Town of Torbay Development Regulations, Schedule 'A'.

- 3.1 **Approved Material** means a material that is deemed to be suitable for backfilling a property either by the Town of Torbay and/or by the appropriate government department whether Federal or Provincial.
- 3.2 **Approved Vacant Building Lot** means a lot that has been approved for development by Council.
- 3.3 **Backfilling** means the depositing of any approved material on a property.
- 3.4 **Excavating** means the removal of any material on a property.
- 3.5 **Existing Home** means a dwelling that is built and currently occupied or a dwelling that has been approved by Council, and construction has begun on that dwelling. The beginning of construction is considered to mean that the footings for the foundation have been laid.
- 3.6 **Grading Plan** means plan that is drafted to show both existing grades and proposed finish grades on a property.
- 3.7 **Material Source** means the origin of the material or the location in which the material comes from.
- 3.8 **New Lot** means a lot that is proposed and approved for development, whether it is in a new development or as an infill lot on an existing street.
- 3.9 **Property** means a piece of land or real estate that is owned by somebody.
- 3.10 **Topsoil** means the upper fertile layer of soil from which plant roots take nutrients.

- 3.11 **Truck Load** means a load consisting of 8 tonnes for a single axel truck and 16 tonnes for a tandem axel truck of material.

4. SCOPE

- 4.1 These By-laws apply to all new Backfilling and Excavation carried out within the municipal boundary of the Town of Torbay.

5. APPLICATION OF BY-LAWS

- 5.1 **Before** any backfilling occurs in the Town of Torbay, a backfilling permit is required; unless one of the following items apply (*regardless if a permit is required or not the source and type of material approval shall be required as per Section 5.3.3 of this by-law*):
- 5.1.1 The number of truck loads is to be less than six loads;
 - 5.1.2 The material is topsoil for landscaping purposes only;
 - 5.1.3 There is a development permit issued on the property for new construction with an approved grading plan; and
 - 5.1.4 There is a development agreement in place for the development of the property with an approved grading plan.
- 5.2 Prior to any excavating occurring in the Town of Torbay, an excavation permit shall be required, unless one of the following items apply:
- 5.2.1 There is a development permit issued on the property for new construction with an approved grading plan;
 - 5.2.2 There is a development agreement in place for the development of the property with an approved grading plan; or
 - 5.2.3 The excavation is being completed for landscaping purposes.
- 5.3 Prior to a backfilling and or excavating permit being issued, the following conditions shall apply:
- 5.3.1 The applicant shall provide proof of ownership of the property proposed to be backfilled or excavated;
 - 5.3.2 A grading plan shall be submitted to the Town for approval prior to work commencing;
 - 5.3.3 The source and type of the material shall be approved by the Town of Torbay and/or by the appropriate government department whether Federal or Provincial;

- 5.3.4 An agreed timeline for the project shall be determined.
- 5.4 The following conditions shall be added to a backfilling and excavating permit where deemed necessary by the Town.
- 5.4.1 In instances where six or more loads are being dumped or removed, a security deposit shall be required. This deposit shall be used to complete the work in the event that it is not completed in the amount of time allotted for the project. The amount of deposit shall be determined by the Town, and paid prior to a permit being issued;
- 5.4.2 Seeding/ Sodding of the backfilled area shall be required as determined by the Town;
- 5.4.3 Dust control shall be required on the route to the property; and
- 5.4.4 Streets on the route to the property shall be kept free of debris.
- 5.5 The Town of Torbay reserves the right to inspect the backfilled or excavated property at any time.
- 5.6 Any damage to neighboring properties shall be the responsibility of the permit holder; an additional deposit shall be required prior to release of a permit.
- 5.7 The Town may, and is hereby irrevocably authorized by the applicant, to use the deposit taken by the Town to pay the cost of having all conditions of the backfilling and or excavated permit satisfied.