



Town of Torbay
Property Standards and Maintenance Regulations

PROPERTY STANDARDS AND MAINTENANCE REGULATIONS

1. APPLICATION OF THESE REGULATIONS

Pursuant to the authority conferred by the *Municipalities Act, 1999*, Chapter M-24, Section 414, the Town of Torbay has made the following Property Standards and Maintenance Regulations.

2. DEFINITIONS

For the purpose of this Regulation, the following definitions shall apply:

- a) "Building Line" means a line established by the 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 streets.
- b) "Council" means the Municipal Council of the Town of Torbay.
- c) "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.
- d) "Dwelling" means a self-contained unit consisting of one or more habitable rooms used or designed as the living quarters for one or more persons.
- e) "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.
- f) "Inspector" means a person appointed as an inspector by the Council.
- g) "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.
- h) "Occupant" of any property means a person who:
 - i. owns the property;
 - ii. resides at the property;

- iii. conducts business at the property;
 - iv. is in physical possession of the property; or
 - v. 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 the Regulations there may be more than one occupant of the same property.
- i) “Person” means a natural person, a firm, partnership, corporation or company and includes the heirs, executors, administrators or other legal representatives of a person.
- j) “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.
- k) “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.
- l) “Waste Material” means:
- i. 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;
 - ii. 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;
 - iii. a substance designated as waste material by council.

3. GENERAL DUTIES AND OBLIGATIONS

- a) 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.

- b) All parts of a property shall be kept clean and free from:
- i. waste material, garbage and other debris;
 - ii. 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
 - iii. 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;
 - iv. graffiti;
 - v. 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.
- c) 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.
- d) 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.
- e) 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.

- f) 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:
- i. 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.
 - ii. 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.
 - iii. 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.

4. ENFORCEMENT

The Regulations may be enforced by the Director of Planning, or any designate or person appointed by Council. 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 regulations. Enforcement procedure of these regulations will follow that outlined in 'Appendix A – General Enforcement Procedure.'

The Town of Torbay will enforce these regulations in coordination with the Occupancy and Maintenance Regulations made under section 36 of Urban and Rural Planning Act as well as in coordination with the Municipalities Act, 1999.

Where a provision of this regulation conflicts with a provision of another Act or regulation in force in the planning area concerned. The provisions that established the higher standard to protect the health safety and welfare of the general public shall prevail.

APPENDIX A – GENERAL ENFORCEMENT PROCEDURE:

Property and Maintenance Regulations

1. Identification

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

2. Assessment

Issue will be assessed by the Planning and Development Department, 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.

3. First Notification

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.

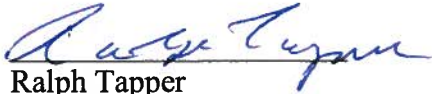
4. Second Notification (if required)

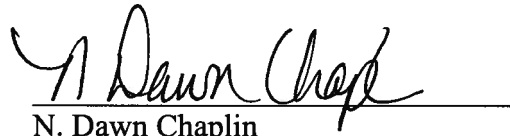
If the property owner has not rectified the issue or contacted the Town with an acceptable plan within the fourteen days, a written notice will be sent via Registered Mail to the property owner requesting action is taken within twenty (20) working days or a legal order may be issued and the Town may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

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These Civic Address Regulations are adopted by Resolution of Council, this 8th day of May, 2017.

Resolution No. # 109-17.


Ralph Tapper
Mayor


N. Dawn Chaplin
Chief Administrative Officer / Town Clerk

SIGNED AND SEALED this 16th day of May, 2017

Mayor:  (Council Seal)
Clerk: 