

**TOWN OF TORBAY**  
**DEVELOPMENT REGULATIONS 2015 - 2025**



**DEVELOPMENT REGULATIONS AMENDMENT No. 17, 2025**

**“Secondary / In-law Suite Amendment –  
Amendment to “General Development Regulations and  
Schedules A, B, C and D”**

**June 2025**

**PLAN-TECH**



**ENVIRONMENT**

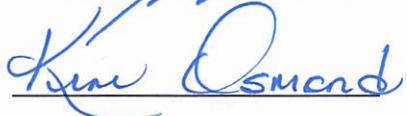
**URBAN AND RURAL PLANNING ACT, 2000**  
**RESOLUTION TO ADOPT**  
**TOWN OF TORBAY**  
**DEVELOPMENT REGULATIONS AMENDMENT No. 17, 2025**

Under the authority of Section 16 of the *Urban and Rural Planning Act, 2000*, the Town Council of Torbay adopts the Town of Torbay Development Regulations Amendment No. 17, 2025.

Adopted by the Town Council of Torbay on the 9th day of June, 2025.

Signed and sealed this 10<sup>th</sup> day of June, 2025.

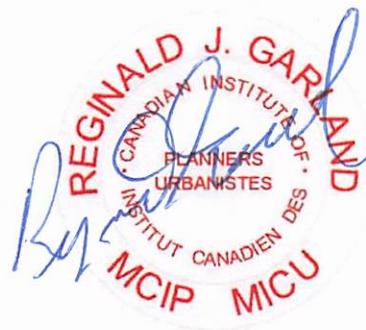
**Mayor:**  (Council Seal)

**Clerk:** 

**CANADIAN INSTITUTE OF PLANNERS CERTIFICATION**

I certify that the attached Town of Torbay Development Regulations Amendment No. 17, 2025 has been prepared in accordance with the requirements of the *Urban and Rural Planning Act, 2000*.

Development Regulations/Amendment	
<b>REGISTERED</b>	
Number	<u>5125-1036-2025</u>
Date	<u>12/12/2025</u>
Signature	<u></u>



**TOWN OF TORBAY**  
**DEVELOPMENT REGULATIONS AMENDMENT No. 17, 2025**

**BACKGROUND**

The Town of Torbay proposes to amend its Development Regulations. The Town has announced that its Housing Action Plan has qualified for a 2.1-million-dollar grant from CMHC under the federal Housing Accelerator Funding (HAF-2) Program. As part of the Housing Action Plan, several matters have been identified that will require changes to Town processes and policies.

In some Land Use Zones, there is no provision to accelerate the permitting of “missing middle” dwelling units such as subsidiary apartments, double dwellings, row dwellings, apartment/condo buildings, garden suites, tiny homes, mixed residential/commercial uses. Many of these residential uses are listed as discretionary uses or are not listed as either discretionary or permitted uses at all (for example garden suites and tiny homes are not regulated hence not permitted). This lacks the possibility for diversification in the housing stock. Accelerating the permitting speed for construction of “missing middle” dwelling units will, for the most part, require a municipal plan policy amendment.

Permitting “secondary suites” and “in-law suites” in single dwellings outright in all residential land use zones will require a text amendment. All that is required for this amendment is to add “secondary suites” and “in-law suites” to the list of permitted uses in the RI, RMD, RLL, RSL, TC, MIX and CM Land Use Zones.

In Schedule A and B and applicable land use zone tables, this proposed amendment will add secondary suites and in-law suites to the Use Zone Tables, as permitted uses. This will accelerate the time required to process a Development Application for secondary suites and in-law suites.

## **ANALYSIS**

Specifically, this Amendment is proposing to:

In General Development Regulations:

1. Amend General Development Regulations No. 59 – Subsidiary Apartments

In Schedule A:

2. Rename the definition for subsidiary apartment as "Secondary Suite".
3. Redefine the definition for "In-Law Suite".
4. Amend the definition of single dwelling and double dwelling, replacing "subsidiary apartment" with "Secondary Suite or In-Law Suite".

In Schedule B:

5. Add "Secondary Suite" and "In-Law Suite" as examples to the Residential Use Class for a single dwelling.
6. Delete "In-Law Suite" as an example in the Residential Use Class for a Double dwelling,

In Schedule C:

7. Add "Secondary Suite" and "In-Law Suite" to the list of permitted uses in the Residential Infill (RI), Residential Medium Density (RMD), Residential Large Lot (RLL), Residential Small Lot (RSL), Mixed Development (MIX) Land Use Zones, and add "Secondary Suite in existing single dwelling" and "In-law Suite in existing single dwelling" to the list of permitted uses in the Town Centre (TC) and Commercial Main Street (CM) Land Use Zones.
8. Specify conditions for "secondary suite" and "In-law suite" in the Residential Infill (RI), Residential Medium Density (RMD), Residential Large Lot (RLL), Residential Small Lot (RSL), Mixed Development (MIX), Town Centre (TC) and Commercial Main Street (CM) Land Use Zones.

In Schedule D:

9. Replace "Subsidiary Apartment" with "Secondary Suite" and "In-law Suite" in the list of Off-Street Parking Requirements.

## **ST. JOHN'S URBAN REGION REGIONAL PLAN, 1976**

It is determined that an Amendment to the St. John's Urban Region Regional Plan is not required to conform with the proposed Torbay Development Regulations Amendment No. 17, 2025.

## **TORBAY MUNICIPAL PLAN & DEVELOPMENT REGULATIONS 2015-2025**

This Amendment consists of a text change to the Torbay Development Regulations only. An amendment to the municipal plan policies is not required for this amendment.

### **PUBLIC CONSULTATION**

The following public consultation measures were undertaken in keeping with the requirements of the Urban and Rural Planning Act, 2000, as amended, in particular s. 110.1:

1. The Town of Torbay posted an advertisement in the locally distributed newspaper 'The Northeast Avalon Times' in its March 2025 edition, which was published on March 17, 2025.
2. With March 17, 2025 having been a statutory holiday, the draft amendment documents were available for viewing at Torbay Town Hall as of March 18, 2025 during regular business hours.
3. The amendment notice and draft amendment documents were published on the Town's website, as well as distributed via the Town's social media channels Facebook, Threads and Bluesky.
4. The amendment notices were physically posted in four conspicuous locations in the amendment area, those being:
  - o Lorina's Coffeeshop – Pinboard
  - o District Drugs – Pinboard
  - o Torbay Common – Pinboard
  - o Torbay Canada Post Outlet Torbay Road – Pinboard

The original deadline for written responses was March 28, 2025, however, with the physical postings having been posted on April 8, 2025, the submission deadline was extended to April 17, 2025. This extension was posted on the Town's website and the Town's social media channels. Copies of the ad in the Northeast Avalon Times, the extension notice, all website and social media postings, as well as photos of the physical site postings are attached. With this not being a site specific text amendment, there were no direct postal mail outs delivered to individual property owners.

## **REPRESENTATIONS RECEIVED**

The Town of Torbay received five (5) written responses and one petition in response to the Town's public consultation notices. All responses were received by email. Representations received were all in opposition to the proposed amendment. The written representations were received from five households in the Forest Landing subdivision. The online petition was submitted by one of the Forest Landing respondents, with 136 signatures from Torbay, St. John's, Halifax, Montreal, Moncton, Port Coquitlam, Portugal Cove, Simcoe, Paradise, Afghanistan, Houston, Toronto, Conception Bay South and Quebec.

## **SUMMARY OF CONCERNS**

Area resident concerns can be summarized as follows:

- Going forward, the Town would be able to approve the addition of one apartment to all existing and future homes in area outright, in effect doubling the number of possible dwelling units in area.
- The potential increase in dwelling units may result in traffic and parking issues and put a strain on existing infrastructure, well and septic systems.
- Uncertainty about the term "Missing Middle", fearing it might be possible to also develop duplexes or fourplexes under the proposed amendment.
- RLL Zoning was originally a 'no apartment' zone. There is a concern that many homes in the area might turn into 'income properties' even though RLL property owners pay the highest taxes in town.
- Possibility of 'degradation' of property values.
- Potential negative impact on neighbourhood character.
- Lack of information and proper consultation.

## INFORMATION ABOUT APARTMENTS

The following general information regarding existing subsidiary apartments and in-law suites in Torbay is provided.

### Permits Issued for Subsidiary Apartments / In-law Suites Between 2011 – 2024:

- 8 Single Family Dwellings (SFD's) with In-Law Suite
- 53 SFD's with Subsidiary Apartments
- TOTAL of 61 dwelling units with apartments

Of those: 7 in RLL Zone, 28 in RMD Zone, 26 in other zones.

Approximately 11-12% of all apartment permits are issued for homes in the RLL Zone.

*Source: Town of Torbay*

### Statistics Canada

Statistics Canada 2021 census data confirms that there were approximately 530 rental households in the Town of Torbay. Torbay offers a very low number of those 530 rental units in existing apartment buildings (approximately 50 units). 530 rental units (out of a total of 2,985 households) constitute 17.8% of the total number of households in Torbay. The average percentage of housing tenure being rental is 26.7% on the Avalon Peninsula, 24% in Newfoundland and Labrador, and 33.1% in Canada. The Town of Torbay is well below St. John's metro region, Newfoundland & Labrador and Canadian averages in terms of providing rental accommodation.

*Sources: Town of Torbay, NL Statistical Agency, Statistics Canada*

### **Statistics Canada, 2021 Census**

Housing Tenure	Torbay (Town) #	Torbay (Town) %	Division No. 1 (CDR) (Avalon & Isthmus) %	Newfoundland & Labrador %	Canada %
Total Households	2985	100	100	100	100
Owner	2985	82.2	73.3	75.7	66.5
Renter	530	17.8	26.7	24	33.1

### **Discussion and Direction by the Committee**

The draft amendment and public consultation documents were reviewed by the Planning and Development Committee, which made the following recommendation:

1. In response to public concerns having been received, the Committee recommends listing secondary suite as a discretionary use in the RLL Land Use Zone instead of a permitted use as originally proposed.

No further changes were recommended by Committee.

## **DEVELOPMENT REGULATIONS AMENDMENT No. 17, 2025**

The Town of Torbay Development Regulations Amendment No. 17, 2025 is amended by:

**A)** Amending Part II General Development Standards of the Torbay Development Regulations 2015-2025, by deleting Regulation 59 and replacing with the following as per below:

### **59. Secondary Suites**

**Secondary suites shall be permitted in single dwellings only, unless otherwise specified in the Use Zone Tables, and for the purposes of calculating lot area and yard requirements, shall be considered part of the self-contained dwelling.**

**B)** Re-naming and Re-defining the definition for “Subsidiary Apartment” to “Secondary Suite” as found in Schedule A and shown below:

**“SECONDARY SUITE” means a separate dwelling unit constructed within, below, above or attached to a single dwelling, and subsidiary to the main dwelling unit.**

**C)** Amending the definition of “single dwelling” and “double dwelling” replacing “subsidiary apartment” with “Secondary Suite or In-Law Suite” as shown below:

**DOUBLE DWELLING** means one building containing two dwelling units, placed one above the other, side by side, or joined by a carport with separate lot areas dedicated to each unit, but does not include a single dwelling containing a **secondary suite or in-law suite subsidiary apartment**.

**SINGLE DWELLING** means one building containing a single dwelling unit for the use of one family, placed on its own lot, and can include a **secondary suite or in-law suite subsidiary apartment**.

**D)** Re-Defining the definition for "In-Law Suite" as found in Schedule A and as shown below:

**"IN-LAW SUITE"** means a small apartment that forms part of the primary residence, with a communicating door to the primary residence, a separate entrance, and typically contains a bedroom, living space and bathroom, and shall not include a kitchen.

**E)** Adding "Secondary Suite" and "In-Law Suite" as examples to the Residential Use Class for a single dwelling and delete with strike out, "In-Law Suite" from the list of examples for a double dwelling as found in Schedule B, Classification of Uses of Land and Buildings and shown below:

GROUP	CLASS	EXAMPLES
RESIDENTIAL USES	(a) Single Dwelling	Single-Detached Dwellings Family & Group Homes <b>Secondary Suite</b> <b>In-Law Suite</b>
	(b) Double Dwelling	Semi-Detached Dwellings, Duplex Dwellings, Family & Group Homes <b>In-Law Suites</b>

F) Adding “In-Law Suite” as a permitted use in the Residential Infill (RI), Residential Medium Density (RMD), Residential Large Lot (RLL), Residential Small Lot (RSL), Town Centre (TC), Mixed Development (MIX) and Commercial Main Street (CM) Land Use Zone.

Adding “Secondary Suite” as a permitted use in the Residential Infill (RI), Residential Medium Density (RMD), Residential Small Lot (RSL), Town Centre (TC), Mixed Development (MIX) and Commercial Main Street (CM) Land Use Zone.

Adding “Secondary Suite” as a discretionary use to the Residential Large Lot (RLL) Land Use Zone.

ZONE TITLE	RESIDENTIAL INFILL (RI)
<p>PERMITTED USE CLASSES - (see Regulation 89)</p> <p>Single dwelling, <b>secondary suite, in-law suite</b> and recreational open space.</p>	

ZONE TITLE	RESIDENTIAL MEDIUM DENSITY (RMD)
<p>PERMITTED USE CLASSES - (see Regulation 89)</p> <p>Single dwelling, <b>secondary suite, in-law suite</b> and recreational open space.</p>	

ZONE TITLE	RESIDENTIAL LARGE LOT (RLL)
<p>PERMITTED USE CLASSES - (see Regulation 89)</p> <p>Single dwelling, <b>in-law suite</b> and recreational open space.</p>	
<p>DISCRETIONARY USE CLASSES - (see Regulations 33 and 90)</p> <p><b>Secondary suite, double dwelling, row dwelling, apartment building, place of worship, educational, convenience store, child care, office, medical and professional services, personal service, light industry, traditional agriculture, boarding house residential and antenna.</b></p>	

ZONE TITLE	RESIDENTIAL SMALL LOT (RSL)
<p>PERMITTED USE CLASSES - (see Regulation 89)</p> <p>Single dwelling, <b>secondary suite, in-law suite, mobile home, conservation and recreational open space.</b></p>	

ZONE TITLE	TOWN CENTRE (TC)
<p>PERMITTED USE CLASSES - (see Regulation 89)</p> <p>Theatre, cultural and civic, general assembly, club and lodge, child care, office, medical and professional, personal service, general service, taxi stand, shop and convenience store, place of worship, recreational open space and conservation, <b>secondary suite in existing single dwelling, in-law suite in existing single dwelling and recreational open space.</b></p>	

ZONE TITLE	MIXED DEVELOPMENT (MIX)
<p>PERMITTED USE CLASSES - (see Regulation 89)</p> <p>Single dwelling, theatre, cultural and civic, general assembly, club and lodge, child care, office, medical and professional, personal service, general service, taxi stand, shop and convenience store, <b>secondary suite, in-law suite.</b></p>	
ZONE TITLE	COMMERCIAL MAIN STREET (CM)
<p>PERMITTED USE CLASSES - (see Regulation 89)</p> <p>Shop, convenience store, home office, personal service, general service, medical and professional, take-out food service (no drive-thru), catering (not lounges), licensed restaurant, places of worship, service station, educational, funeral home, veterinary clinic; cultural &amp; civic, indoor assembly, indoor market, child care, recreational, <b>secondary suite in existing single dwelling, in-law suite in existing single dwelling.</b></p>	

**G) Deleting the condition for “Subsidiary Apartment” in the Residential Infill (RI) and Residential Medium Density (RMD) Land Use Zone Tables and replacing it with the following condition:**

**Secondary Suite**

- a) One secondary suite shall be permitted in a single dwelling.**
- b) For the purpose of calculating lot area and yard requirements, the secondary suite shall be considered part of the single dwelling.**
- c) Parking spaces shall be required for the secondary suite in accordance with Schedule D (Off-street Parking Requirements).**
- d) The minimum floor area shall be 40m<sup>2</sup>.**
- e) For lots without municipal water and sewer services, Service NL shall determine water and sewerage disposal requirements and a permit shall be issued subject to its approval.**

**H) Add conditions for “secondary suite” in the Residential Large Lot (RLL) Land Use Zone Table to the end of the listed conditions in chronological order as follows:**

**Secondary Suite**

- a) One secondary suite may be permitted in a single dwelling.**
- b) For the purpose of calculating lot area and yard requirements, the secondary suite shall be considered part of the single dwelling.**
- c) Parking spaces shall be required for the secondary suite in accordance with Schedule D (Off-street Parking Requirements).**
- d) The minimum floor area shall be 40 m<sup>2</sup>.**
- e) For lots without municipal water and sewer services, Service NL shall determine water and sewerage disposal requirements and a permit will be issued subject to its approval.**

I) Adding conditions for "secondary suite" in the Residential Small Lot (RSL) Land Use Zone Table to the end of the listed conditions in chronological order as follows:

**Secondary Suite**

- a) One secondary suite shall be permitted in a single dwelling.**
- b) For the purpose of calculating lot area and yard requirements, the secondary suite shall be considered part of the single dwelling.**
- c) Parking spaces shall be required for the secondary suite in accordance with Schedule D (Off-street Parking Requirements).**
- d) The minimum floor area shall be 40 m<sup>2</sup>.**
- e) For lots without municipal water and sewer services, Service NL shall determine water and sewerage disposal requirements and a permit will be issued subject to its approval.**

J) Replacing condition 5 in the Town Centre (TC) Land Use Zone Table and condition 6 in the Commercial Main Street (CM) Land Use Zone Table with the following condition:

**Residential Use**

- a) Secondary suite use in existing single dwelling shall be permitted in accordance with the requirements for secondary suites in the Residential Infill (RI) Land Use Zone Table.**
- b) Re-development of existing residential use shall be at the discretion of Council.**
- c) New single dwelling use shall be prohibited.**

K) Replacing "Subsidiary Apartment" with "Secondary Suite" and "In-law Suite" in the list of Off-Street Parking Requirements as found in Schedule D (Off-street Parking Requirements) as shown below.

CLASS - RESIDENTIAL USES	
(a) Single Dwelling	Two spaces for every dwelling unit
(b) Double Dwelling	Two spaces for every dwelling unit
(c) Row Dwelling	Two spaces for every dwelling unit
(d) Apartment Building	Three spaces for every 2-dwelling units
(e) <del>Subsidiary Apartment</del> Secondary Suite, In-law Suite	Two spaces for every <del>apartment</del> dwelling unit
(f) Hospitality Home	As specified by the Council
(g) Boarding House Residential	One space for every residential unit
(h) Mobile Home	Two spaces for every residential unit