



**Ruling No. 06-45-1115**  
**Application No. 2006-31**

## **BUILDING CODE COMMISSION**

**IN THE MATTER OF** Subsection 24(1) of the *Building Code Act*, S.O. 1992, c. 23, as amended.

**AND IN THE MATTER OF** Sentence 8.2.2.3.(8) of the Regulation 403, as amended,  
(the Building Code).

**AND IN THE MATTER OF** an application by Gary Sharp, Homeowner, vs Terry Davidson Chief Building Official, Ottawa Septic Systems Office, to determine whether the proposal to replace a conventional septic tank with a Fralo ST-1500-2 Poly Tank, which has an effective liquid depth of approximately 900 mm, provides sufficiency of compliance with Sentence 8.2.2.3.(8) of the Building Code at 1423 Houston Crescent, City of Kanata, Ontario.

<b>APPLICANT</b>	Gary Sharp Homeowner Kanata, ON
<b>RESPONDENT</b>	Terry Davidson Chief Building Official Ottawa Septic Systems Office
<b>PANEL</b>	Judy Beauchamp, Chair-Designate Jim Wilkinson Eric Gunnell
<b>PLACE</b>	Toronto, Ontario
<b>DATE OF HEARING</b>	October 27, 2006
<b>DATE OF RULING</b>	October 27, 2006
<b>APPEARANCES</b>	Gary Sharp Homeowner Kanata, ON <b>Applicant</b>
	Robert Passmore Paterson Group Ottawa, ON <b>Agent for the Applicant</b>
	Terry Davidson Director of Regulations Ottawa Septic Systems Office Manitok, ON <b>Respondent</b>

## **RULING**

### **Commission Ruling**

It is the Decision of the Building Code Commission that the proposal to replace a conventional septic tank with a Fralo ST-1500-2 Poly Tank, which has an effective liquid depth of approximately 900 mm, does not provide sufficiency of compliance with Sentence 8.2.2.3.(8) of the Building Code at 1423 Houston Crescent, City of Kanata, Ontario.

### **Reasons**

- i) Sentence 8.2.2.3.(8) of the Building Code requires a liquid depth of not less than 1,200 mm except in specific circumstances. Sentence 8.2.2.3.(8) permits the installation of a septic tank to a depth of less than 1,200 mm but not less than 900 mm where the excavation is in rock, or to avoid rupture or displacement of the tank due to ground water pressure. The Commission notes, however, that none of these explicit circumstances apply in this case. Further, nothing prohibits the installation of a Code compliant septic tank at the subject property.
- ii) While the information, evidence and documentation presented by the Applicant appeared, in theory, to support the Applicant's claim of sufficiency of compliance, no long-term empirical test data was provided to support the validity of the theoretical claims that the Fralo tank will provide an equivalent level of performance as would be achieved by conformance with the requirements of the Building Code.
- iii) The Commission is encouraged by the theoretical data presented and recommends that the Applicant undertake further comprehensive testing to substantiate the performance of the subject tank. The Applicant may want to consider formally proposing a change to the Building Code.

Dated at Toronto on this **27** day in the month of **October** in the year **2006** for application number **2006-31**.

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Judy Beauchamp, Vice-Chair

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Jim Wilkinson

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Eric Gunnell