

Ruling of the Minister
Ministry of Municipal Affairs
and Housing
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RULING OF THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING

Pursuant to Section 29(1)(a) of the *Building Code Act, 1992*, the Director of the Building and Development Branch, as delegate of the Minister of Municipal Affairs and Housing (the "Minister"), hereby approves the use of **Cosella-Dorken Delta-MS Dampproofing Membrane** subject to the following terms and conditions:

Minister Ruling No: 09-38-236 (12658-R)

File No: 09-54

Issued on December 30, 2009

1. MANUFACTURER

Cosella-Dorken Products Ltd.
4655 Delta Way
Beamsville, Ontario
L0R 1B4

Tel: 905 563-3255

Fax: 905 563-5582

2. MANUFACTURING FACILITIES

4655 Delta Way
Beamsville, Ontario

3. SPECIFIC CONDITIONS

- (a) **Cosella-Dorken Delta-MS Dampproofing Membrane** can serve as a material for dampproofing and is approved for use in respect of Subsection 9.13.2., except for Article 9.13.2.8. of Division B, of Ontario's 2006 Building Code, Ontario Regulation 350/06 (the "Building Code");
- (b) The **Cosella-Dorken Delta-MS Dampproofing Membrane** shall comply with the *Building Code Act, 1992*; and except as specifically provided otherwise in this Ruling, with Ontario's Building Code;
- (c) The use of the **Cosella-Dorken Delta-MS Dampproofing Membrane** must be in accordance with the Canadian Construction Materials Centre (the "CCMC") Evaluation Report No. CCMC 12658-R (the "Evaluation Report") issued on January 23, 1995 and re-evaluated on November 9, 2009; provided that the references in that report to the model National Building Code of Canada, 2005 including those listed in column 1 below, shall be deemed references to Ontario's Building Code listed in column 2 below, as described in the following table;

model 2005 National Building Code References	Ontario's 2006 Building Code References
Division A, 1.2.1.1.(1)(b) Division B, 9. Division B, 9.13.2. NBC 2005	Division A, 1.2.1.1.(1)(b) Division B, 9. Division B, 9.13.2. Building Code
column 1	column 2

- (d) A copy of this Ruling shall be attached to the application for a building permit,
- (e) This Ruling is valid only for products manufactured at the facilities outlined in Section 2. (Manufacturing Facilities) of this Ruling.

4. GENERAL CONDITIONS

The Minister or his/her delegate may amend or revoke this Ruling if:

- (a) the Evaluation Report is amended by the CCMC;
- (b) the Evaluation Report expires in accordance with the CCMC's General Conditions for Evaluation Reports;
- (c) the Evaluation Report is rendered void in accordance with the CCMC's General Conditions for Evaluation Reports by reason of alterations to the product or relocation of manufacturing facilities, described in the Evaluation Report, without prior agreement by the CCMC;
- (d) the Evaluation Report is withdrawn by the CCMC in accordance with the CCMC's General Conditions for Evaluation Reports where, in the opinion of the CCMC:
 - (i) the level of performance, in-situ, of the product described in the Evaluation Report is unsatisfactory;
 - (ii) the proponent of such product fails to fulfil its obligations as set out in the CCMC's General Conditions for Evaluation Reports; or
 - (iii) such product may pose any danger to the health or safety of the user of such product;
- (e) the Minister or his/her delegate determines that the use of the material, system or building design authorized by this Ruling:

- (i) will not comply with the *Building Code Act, 1992* or any relevant law as they may be amended or re-enacted from time to time; or
 - (ii) provides an unsatisfactory level of performance, in situ; or
- (f) any provision of the Building Code relevant to this Ruling is amended or remade.

Dated at Toronto This 30th Day of December 2009.

David Brezer, P.Eng, MBA
Director, Building and Development Branch