

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 **Crosstimmer® Classics** subject to the following terms and conditions:

Minister Ruling No: 09-28-226 (13399-R)
File No: 09-12
Issued on November 20, 2009

1. MANUFACTURER

Elk Composite Building Products Inc.
9806 Lackman Road
Lenexa, Kansas
USA 66219

Tel: 913 599 5300
Fax: 913 495 4323

2. MANUFACTURING FACILITIES

9806 Lackman Road
Lenexa, Kansas, USA

3. SPECIFIC CONDITIONS

- (a) **Crosstimmer® Classics** can serve as exterior decking in respect of Section 9.4.2. , and Articles 9.4.3.1. and 9.23.14.5. of Division B, of Ontario's 2006 Building Code, Ontario Regulation 350/06 (the "Building Code");
- (b) The **Crosstimmer® Classics** shall comply with the *Building Code Act, 1992*; and except as specifically provided otherwise in this Ruling, with the Building Code;
- (c) The **Crosstimmer® Classics** shall not be subjected to floor impact loads;
- (d) The use of the **Crosstimmer® Classics** must be in accordance with the Canadian Construction Materials Centre (the "CCMC") Evaluation Report No. CCMC 13399-R (the "Evaluation Report") issued on March 9, 2009 and revised on June 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, 9.3.2.9 Division B, 9.4.2. Division B, 9.4.3.1. Division B, 9.23.3.1. Division B, 9.23.14.5. NBC 2005	Division A, 1.2.1.1.(1)(b) Division B, 9 Division B, 9.3.2.9 Division B, 9.4.2. Division B, 9.4.3.1. Division B, 9.23.3.1. Division B, 9.23.14.5. Building Code
column 1	column 2

- (e) Where a building permit is issued to construct the **Crosstimber® Classics**, a certificate of compliance, prepared by the installer of this product, shall be submitted to the principal authority, as defined in the *Building Code Act, 1992*, and the homeowner; the certificate shall contain a minimum of the following information:
- (i) confirmation that the product **Crosstimber® Classics** was installed in accordance with CCMC Evaluation Report No. CCMC 13399-R, Section 3. "Conditions and Limitations" and the restrictions provided in Section 4. "Technical Evidence" of the Evaluation Report,"
 - (ii) name and contact information of the installer,
 - (iii) the address of the installation, and
 - (iv) Minister's Ruling number;
- (f) Where the **Crosstimber® Classics** is installed by the homeowner, the homeowner shall submit to the principal authority a certificate of compliance containing the information specified in clause 3(d);
- (g) The certificate of compliance for **Crosstimber® Classics**, referred to in 3(d) and (e) above, shall be dated and signed by the installer;
- (h) A copy of this Ruling shall be attached to the application for a building permit; and
- (i) 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 27th Day of November 2009.

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