

Ruling of the Minister
Ministry of Municipal Affairs
and Housing
777 Bay Street, 2nd Floor
Toronto, ON, M5G 2E5

Ministère des Affaires municipales
et du Logement
777, rue Bay, 2^e étage
Toronto, ON, M5G 2E5



T: 416 585-4234
F: 416 585-7531
W: www.ontario.ca/buildingcode

T: 416 585-4234
F: 416 585-7531
W: www.ontario.ca/buildingcode

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 **DMX Flexsheet** subject to the following terms and conditions:

Minister Ruling No: 09-25-223 (13169-R)
File No: 10-15
Issued on November 27, 2009
Revised on April 15, 2010

1. MANUFACTURER

DMX Plastics Limited
200 Hymus Road
Toronto, ON, M1L 2E1

Tel: 416 751-5851
Fax: 416 751 6851

2. MANUFACTURING FACILITIES

Toronto, Ontario

3. SPECIFIC CONDITIONS

- (a) **DMX Flexsheet** can serve as a material for dampproofing in respect of Subsection 9.13.2. of Division B, of Ontario's 2006 Building Code, Ontario Regulation 350/06 (the "Building Code");
- (b) The **DMX Flexsheet** shall comply with the *Building Code Act, 1992*; and except as specifically provided otherwise in this Ruling, with the Building Code;
- (c) The use of the **DMX Flexsheet** must be in accordance with the Canadian Construction Materials Centre (the "CCMC") Evaluation Report No. CCMC 13169-R (the "Evaluation Report") issued on September 10, 2004, re-evaluated on March 30, 2009 and revised on March 12, 2010; 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 2006 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)(a) Division B, 9. Division B, 9.13.2. Division B, 9.14. NBC 2005	Division A, 1.2.1.1.(1)(a) Division B, 9. Division B, 9.13.2. Division B, 9.14. 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 15th Day of April 2010.

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