

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 **Tuff-N-Dri®** subject to the following terms and conditions:

Minister Ruling No: 09-19-217 (13068-R)

File No: 08-54

Issued on August 14, 2009

1. MANUFACTURER

Tremco Barrier Solutions Inc.
6402 East Main Street
Reynoldsburg, OH
USA, 43068-2391

Tel: 800 876-5624
Fax : 800 230-8178

2. MANUFACTURING FACILITIES

Medina, OH

3. SPECIFIC CONDITIONS

- (a) The **Tuff-N-Dri®** can serve as a waterproofing for exterior foundation walls in respect of Articles 5.8.2.2., 9.13.2.2., and Sentences 9.13.3.4.(1) and 9.13.3.4.(2) of the 2006 Building Code, Ontario Regulation 350/06 (the "Building Code");
- (b) The **Tuff-N-Dri®** 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 **Tuff-N-Dri®** must be in accordance with Canadian Construction Materials Centre (the "CCMC") Evaluation Report No. CCMC 13068-R (the "Evaluation Report") issued on June 10, 2002, re-evaluated on July 27, 2005 and revised on May 10, 2006 provided that the references in that report to the model National Building Code of Canada, 1995, 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 1995 National Building Code References	Ontario's 2006 Building Code References
5.8.2.2. 9. 9.13.2.1. 9.13.5.1. NBC1995	Division B, 5.8.2.2. Division B, 9. Division B, 9.13.2.2 Division B, 9.13.3.4.(1) Division B, 9.13.3.4.(2) Building Code
column 1	column 2

- (d) **Tuff-N-Dri®** has not been evaluated for use with insulating concrete form wall systems;
- (e) A copy of this Ruling shall be attached to the application for a building permit;
- (f) 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 14th Day of August 2009.

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