

## Ruling of the Minister

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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 **Air-Gard® EXTRA** subject to the following terms and conditions:

**Ministers Ruling No: 08-07-192 (13295-R)**

**File No: 07-73**

**Issued on September 12, 2008**

### 1. MANUFACTURER

PGI Fabrene Inc.  
240 Dupont Road  
North Bay, Ontario, P1B 9B4

Tel: 705 476-7075

Fax: 705 476-7787

### 2. MANUFACTURING FACILITIES

North Bay, Ontario

### 3. SPECIFIC CONDITIONS

- (a) The use of **Air-Gard® EXTRA** is approved for use as a breather-type sheathing membrane in respect of the requirements of Article 9.27.3.2. of Division B of Ontario's 2006 Building Code, Ontario Regulation 305/06 (the "Building Code") as amended or remade from time to time;
- (b) **Air-Gard® EXTRA** shall comply with the Building Code Act, 1992; and except as specifically provided otherwise in this Ruling, with Ontario's 2006 Building Code;
- (c) The use of the **Air-Gard® EXTRA** must be in accordance with Canadian Construction Materials Centre (the "CCMC") Evaluation Report No. CCMC 13295-R (the "Evaluation Report") issued on November 19, 2007; provided that the references in that report to the model National Building Code of Canada, 2005 including those listed in table 3.(c), column 1 below, shall be deemed references to Ontario's 2006 Building Code listed in column 2 below, as described in the following table;

Table 3.(c)

model National 2005 Building Code References	Ontario's 2006 Building Code References
Division A, 1.2.1.1.(1)(b) Division B, 9.10.16. Division B, 9.27.3.2. Division B, 9.27.3.3. NBC (2005)	Division A, 1.2.1.1.(1)(b) Division B, 9.10.16. Division B, 9.27.3.2. Division B, 9.27.3.3. Building Code
column 1	column 2

- (d) A copy of this ruling shall be attached to the application for a building permit; and;
- (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 Ontario's Building Code relevant to this ruling is amended or remade.

Dated at Toronto This 12<sup>th</sup> Day of September 2008

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