

Ruling of the Minister  
Ministry of Municipal Affairs  
and Housing  
777 Bay Street, 2<sup>nd</sup> Floor  
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et du Logement  
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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 **FIBEROCK® Sheathing Aqua Tough** subject to the following terms and conditions:

**Minister Ruling Number: 03-01-90 (13025-R)**

**File No: 08-48**

**Issued on March 18, 2003**

**Revised on August 14, 2009**

### 1. MANUFACTURER

CGC Inc.  
350 Burnhamthorpe Road West  
Mississauga, ON, L5B 3J1

Tel: 905 803-5600

Fax: 905 803-5688

### 2. MANUFACTURING FACILITIES

Lake Street  
Gypsum, Ohio  
USA 43433

### 3. SPECIFIC CONDITIONS

- (a) The use of **FIBEROCK® Sheathing Aqua Tough** is approved for use as an exterior backerboard in respect of the requirements of Subsection 9.23.16. of Division B, of Ontario’s 2006 Building Code, Ontario Regulation 350/06 (the “Building Code”);
- (b) **FIBEROCK® Sheathing Aqua Tough** shall comply with the *Building Code Act, 1992*; and except as specifically provided otherwise in this Ruling, with the Building Code;
- (d) the use of the **FIBEROCK® Sheathing Aqua Tough** must be in accordance with Canadian Construction Materials Centre (the “CCMC”) Evaluation Report No. CCMC 13025-R (the “Evaluation Report”) issued on July 18, 2001 and re-evaluated on September 22, 2008; 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;

<b>model National 2005 Building Code References</b>	<b>Ontario's 2006 Building Code References</b>
Division A, 1.2.1.1.(1)(b) Division B, 9.10.16. Division B, 9.23.3.5. Division B, 9.23.16. Division B, 9.27.3.2. NBC 2005	Division A, 1.2.1.1.(1)(b) Division B, 9.10.16. Division B, 9.23.3.5. Division B, 9.23.16. Division B, 9.27.3.2. Building Code
column 1	column 2

- (e) A copy of this Ruling shall be attached to the application for a building permit; and;
- (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 14<sup>th</sup> Day of August 2009.

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