

BUILDING CODE ACT, 1992

RULING OF THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING

No. 95-07-26-(12264-R)

Revised October 15, 2001

Pursuant to Section 29(1)(a) of the *Building Code Act, 1992*, the Director of the Housing Development and Buildings Branch, as delegate of the Minister of Municipal Affairs and Housing (Minister), hereby approves the use of **Air-Gard®** subject to the following terms and conditions:

1. MANUFACTURER/AGENT

Fabrene Inc.
P.O. Box 4040
240 Du Pont Road
North Bay, Ontario
P1B 9B4

Tel: (705) 476 -7057
Fax: (705) 476 -7787

2. MANUFACTURING FACILITIES

Fabrene Inc.
Du Pont Road
North Bay, Ontario

3. SPECIFIC CONDITIONS

- (a) The use of **Air-Gard®** is approved in respect to the requirements for breather-type sheathing membrane as described in article 9.23.17.1. of the Ontario Building Code, Ontario Regulation 403/97 (the "Ontario Building Code"), as amended or remade from time to time;
- (b) The use of **Air-Gard®** must comply with the *Building Code Act, 1992*; and, except as specifically provided otherwise in this Ruling, with the Ontario Building Code;

- (c) The use of **Air-Gard®** must be in accordance with Canadian Construction Materials Centre (CCMC) Evaluation Report N^o **CCMC 12264-R**, (the "Evaluation Report") issued on March 6, 1998, provided that references in the Evaluation Report to Articles 9.23.17.1. and 9.23.17.3. and Subsection 9.10.15. of the National Building Code of Canada, 1995 shall be deemed to be references to Articles 9.23.17.1. and 9.23.17.3. and Subsection 9.10.15. of the Ontario Building Code;
- (d) A copy of this Ruling shall be attached to the application for a building permit; and,
- (e) This Ruling is valid only for **Air-Gard®** 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- (d) the Evaluation Report is withdrawn by the CCMC in accordance with the CCMC's General Conditions for Evaluation Reports where, in the opinion of the CCMC: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 other relevant law as may be amended or reenacted from time to time; or
 - (ii) provides an unsatisfactory level of performance, in situ; or
- (f) any Ontario Building Code provision relevant to this Ruling is amended or remade.

DATED AT TORONTO THIS 15TH DAY OF OCTOBER, 2001

ANN BOROAH, DIRECTOR
HOUSING DEVELOPMENT AND BUILDINGS BRANCH