

Ruling of the Minister  
Ministry of Municipal Affairs  
and Housing  
777 Bay Street, 2<sup>nd</sup> Floor  
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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 **Delta® -MS Clear (Foundation Drainage)** subject to the following terms and conditions:

**Minister Ruling Number: 11-06-264 (13197-R)**

**File No: 11-24**

**Issued July 14, 2011**

### 1. MANUFACTURER

Cosella-Dorken Products Ltd.  
4655 Delta Way  
Beamsville, Ontario L0R 1B4

Tel: 905 563-3255

Fax: 905 563-5582

### 2. MANUFACTURING FACILITIES

Beamsville, Ontario

### 3. SPECIFIC CONDITIONS

- (a) The use of **Delta® -MS Clear (Foundation Drainage)** is approved for use as a foundation wall drainage system in respect of the requirement of Clause 9.14.2.1.(2)(b) of Division B of Ontario's 2006 Building Code, Ontario Regulation 350/06 (the "Building Code");
- (b) **Delta® -MS Clear (Foundation Drainage)** 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 **Delta® -MS Clear (Foundation Drainage)** must be in accordance with Canadian Construction Materials Centre (the "CCMC") Evaluation Report No. CCMC 13197-R (the "Evaluation Report") issued on October 18, 2005 and re-evaluated on April 14, 2011;
- (d) This Ruling is valid only for products manufactured at the facilities outlined in Section 2. (Manufacturing Facilities) of this Ruling; and

- (e) A copy of this Ruling shall be attached to the application for a building permit.

#### **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- (d) the Evaluation Report is withdrawn by the CCMC in accordance with the CCMC's General Conditions for Evaluation Reports where, in the opinion of the CCMC: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>st</sup> day of July 2011.

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Denise K. Evans  
Director, Building and Development Branch