

BUILDING CODE ACT, 1992

RULING OF THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING

N<sup>o</sup> . 98-02-52-(12788-R)

Pursuant to Section 29 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 **Delta-MS**, subject to the following terms and conditions:

1. **MANUFACTURER/AGENT**

Cosella Dörken Products Inc.  
4655 Delta Way  
Beamsville, Ontario  
L0R 1B4

2. **MANUFACTURING FACILITIES**

4655 Delta Way  
Beamsville, Ontario  
L0R 1B4

3. **SPECIFIC CONDITIONS**

- (a) The use of **Delta-MS** is approved as a drainage and dampproofing material against the foundation wall to protect the wall against transient or intermittent water that may come in contact with the wall surface in respect to the requirements for use contained in Clause 9.14.2.1.(2.1)(c) and Subsection 9.13.5 of Revised Regulations of Ontario 1990, Regulation 61, as amended or remade from time to time (the Ontario Building Code);
- (b) The use of **Delta-MS** 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 **Delta-MS** must be in accordance with Canadian Construction Materials Centre (CCMC) Evaluation Report N<sup>o</sup> CCMC 12788-R, (the Evaluation Report) issued on January 9, 1997 and revised June 10, 1997;

- (d) A copy of this Ruling shall be attached to the application for a building permit; and,
- (e) This Ruling is valid only for **Delta-MS** manufactured at the facilities outlined in Section 2. (Manufacturing Facilities) of this Ruling.

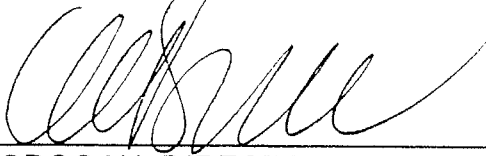
#### 4. GENERAL CONDITIONS

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 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 17<sup>th</sup> DAY OF February, 1998.



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ANN BOROAH, DIRECTOR  
HOUSING DEVELOPMENT AND BUILDINGS BRANCH