This is **Exhibit "X"** referred to in the Affidavit of
Andrew Marquess sworn before me
this 24th day of July, 2020

A Commissioner for Oaths
in and for the Province of Manitoba
My Commission expires: Feb 21/22

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## Kerry MacDonald

**From:** Andrew Marquess <andrew.marquess@gemequities.ca>
**Sent:** Friday, June 12, 2020 5:51 PM
**To:** Kevin Toyne
**Subject:** FW: Parks Lands - Land Drainage Release Rate

**From:** Andrew Marquess
**Sent:** Wednesday, March 4, 2020 10:46 AM
**To:** Gajda, Marek <mgajda@winnipeg.ca>
**Cc:** Patton, Geoffrey <GPatton@winnipeg.ca>
**Subject:** FW: Parks Lands - Land Drainage Release Rate

**From:**
**Sent:** Tuesday, March 03, 2020 4:28 PM
**To:** 'Gajda, Marek' <mgajda@winnipeg.ca>
**Cc:** Patton, Geoffrey <GPatton@winnipeg.ca>
**Subject:** RE: Parks Lands - Land Drainage Release Rate

Marek,

Thank you for the update.

Andrew

**From:** Gajda, Marek [mailto:mgajda@winnipeg.ca]
**Sent:** Tuesday, March 03, 2020 3:39 PM
**To:** Andrew Marquess <andrew.marquess@gemequities.ca>
**Cc:** Patton, Geoffrey <GPatton@winnipeg.ca>
**Subject:** RE: Parks Lands - Land Drainage Release Rate

Andrew:

Our updated cost estimate for GEM Equities' share of the regional land drainage servicing has been determined. While the flow allowance has increased to 3.5 cubic meters per second, we have re-focused the applicable costs in the methodology which resulted in an estimated share of $734,580.00.

Please note that not all the costs are finalized at this time so the estimate will be updated in due course.

Regards,

**Marek Gajda**
Services Development Engineer
City of Winnipeg
T: 204-986-7626



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**E:** mgajda@winnipeg.ca
**WATER AND WASTE DEPARTMENT**
**ENGINEERING SERVICES DIVISION**
winnipeg.ca

**From:** Andrew Marquess [mailto:andrew.marquess@gemequities.ca]
**Sent:** Friday, December 6, 2019 4:04 PM
**To:** Gajda, Marek
**Cc:** Patton, Geoffrey
**Subject:** RE: Parks Lands - Land Drainage Release Rate

CAUTION: External email. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Marek,

Thank you for the update and final decision excepting the cost share estimate.

Your analysis finally aligns to the InfraCor report.

I look forward to finalizing the cost share estimate which can be used whenever the City decides to allow me to proceed with the Secondary Plan and DASZ applications.

I appreciate your recent efforts to deal with this issue and get a resolution.

Regards

Andrew

**From:** Gajda, Marek [mailto:mgajda@winnipeg.ca]
**Sent:** Friday, December 06, 2019 1:50 PM
**To:** Andrew Marquess <andrew.marquess@gemequities.ca>
**Cc:** Patton, Geoffrey <GPatton@winnipeg.ca>
**Subject:** RE: Parks Lands - Land Drainage Release Rate

Andrew:

Water and Waste has the general results of the analysis of the increased land drainage flow rate from the DASZ lands. While the increase in peak flow will have hydraulic impacts such as increasing the stormwater retention basin water level rise, we anticipate the receiving system can accommodate the requested increased peak flow while providing an adequate level of service for others in the benefitting area.

There will be an increase to the cost share estimate. We plan to finalize the cost share estimate update from this analysis before end of month.

Regards,

**Marek Gajda**
Services Development Engineer
City of Winnipeg
**T:** 204-986-7626
**E:** mgajda@winnipeg.ca



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**WATER AND WASTE DEPARTMENT**
**ENGINEERING SERVICES DIVISION**
winnipeg.ca

**From:** Gajda, Marek [mailto:mgajda@winnipeg.ca]
**Sent:** Wednesday, November 20, 2019 1:08 PM
**To:** Andrew Marquess
**Cc:** Patton, Geoffrey
**Subject:** Re: Parks Lands - Land Drainage Release Rate

Andrew:

As promised, I am writing to provide an update. We anticipate to receive the consultant report of the modeling analysis and complete our first review by Friday December 6th.

Regards,
**Marek Gajda**
Services Development Engineer
City of Winnipeg
**T:** 204-986-7626
**E:** mgajda@winnipeg.ca
**WATER AND WASTE DEPARTMENT**
**ENGINEERING SERVICES DIVISION**
winnipeg.ca

On Nov 6, 2019, at 13:42, Gajda, Marek <mgajda@winnipeg.ca> wrote:

> Andrew:
>
> I have received an update regarding our consultant's work. Modelling revisions required to account for the latest construction works are in progress; we intend for this work and the analysis to be completed as soon as possible. I will provide an update in two weeks including a more precise timing of the results.
>
> Regards,
>
> **Marek Gajda**
> Services Development Engineer
> City of Winnipeg
> **T:** 204-986-7626
> **E:** mgajda@winnipeg.ca
> **WATER AND WASTE DEPARTMENT**
> **ENGINEERING SERVICES DIVISION**
> winnipeg.ca
>
> **From:** Andrew Marquess [mailto:andrew.marquess@gemequities.ca]
> **Sent:** Friday, November 1, 2019 11:12 AM
> **To:** Gajda, Marek
> **Cc:** Patton, Geoffrey
> **Subject:** RE: Parks Lands - Land Drainage Release Rate
>
> Marek,



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Given the last update was almost two months ago what is the expected timeframe for the analysis to be completed?

Andrew

**From:** Gajda, Marek [mailto:mgajda@winnipeg.ca]
**Sent:** Friday, November 01, 2019 11:10 AM
**To:** Andrew Marquess <andrew.marquess@gemequities.ca>
**Cc:** Patton, Geoffrey <GPatton@winnipeg.ca>
**Subject:** RE: Parks Lands - Land Drainage Release Rate

Andrew:

A brief update regarding the requested increase of release rate—the analysis is underway. Our Department is requesting an status update from our consultant regarding the analysis so that we can provide you an updated timeframe for the completion of the review.

Regards,

**Marek Gajda**
Services Development Engineer
City of Winnipeg
**T:** 204-986-7626
**E:** mgajda@winnipeg.ca
**WATER AND WASTE DEPARTMENT**
**ENGINEERING SERVICES DIVISION**
winnipeg.ca

**From:** Andrew Marquess [mailto:andrew.marquess@gemequities.ca]
**Sent:** Thursday, September 12, 2019 1:43 PM
**To:** Gajda, Marek
**Cc:** Patton, Geoffrey
**Subject:** Re: Parks Lands - Land Drainage Release Rate

Hi Marek,

Thanks for the update.

Andrew

On Sep 12, 2019, at 1:41 PM, Gajda, Marek <mgajda@winnipeg.ca> wrote:

> Hello Andrew,
>
> This is to provide an update as promised.
>
> Our Department is working to line up the engineering consultant for the analysis of the higher discharge rate. We are planning for that process to be completed by end of next week.
>
> We are planning to finalize the analysis and associated technical memorandum by the end of October.



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Regards,

**Marek Gajda**
Services Development Engineer
City of Winnipeg
**T:** 204-986-7626
**E:** mgajda@winnipeg.ca
**WATER AND WASTE DEPARTMENT**
**ENGINEERING SERVICES DIVISION**
winnipeg.ca

**From:** Gajda, Marek
**Sent:** Friday, August 23, 2019 8:57 AM
**To:** 'Andrew Marquess'
**Cc:** Geer, Moira; Patton, Geoffrey; Zurek, Kas; Kiernan, John; Dave Stusek
**Subject:** RE: Parks Lands - Land Drainage Release Rate

Hello Andrew,

Thanks for this information. The Water and Waste Department will arrange for analysis for the request flow rate, and I plan to provide an update during the week of September 9-13.

Separately, comments are forthcoming with respect to other engineering requirements identified in the ACG report for the application DASZ 12/2018.

Regards,

**Marek Gajda**
Services Development Engineer
City of Winnipeg
**T:** 204-986-7626
**E:** mgajda@winnipeg.ca
**WATER AND WASTE DEPARTMENT**
**ENGINEERING SERVICES DIVISION**
winnipeg.ca

**From:** Andrew Marquess [mailto:andrew.marquess@gemequities.ca]
**Sent:** Thursday, August 22, 2019 11:02 PM
**To:** Gajda, Marek
**Cc:** Geer, Moira; Patton, Geoffrey; Zurek, Kas; Kiernan, John; Dave Stusek
**Subject:** RE: Parks Lands - Land Drainage Release Rate

Hi Marek,

Gem would like to request a larger land drainage release rate for the Fulton Grove development.

The request is to increase the LDS release rate from ***1.3***$m^3/s$ to ***3.5***$m^3/s$.

Please advise when the Water and Waste Department will be able to provide a response to this request.



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As you are aware the Administration report to the City Centre community Committee on November 5, 2018 said that the DASZ application did not conform to the engineering requirements of the Water and Waste Department which was not true but still reported nonetheless. Given the inaccurate information provided about our DASZ application, I would like to have a timely and accurate response to this latest request form the Administration.

Once the decision on the request has been received, the appropriate cost share amount can be discussed.

Gem has been stating for years what the developments required LDS release rate is and although late welcomes the opportunity to have this situation rectified.

Andrew

**From:** Gajda, Marek <mgajda@winnipeg.ca>
**Sent:** Tuesday, August 6, 2019 9:43 AM
**To:** Andrew Marquess <andrew.marquess@gemequities.ca>
**Cc:** Geer, Moira <MGeer@winnipeg.ca>; Patton, Geoffrey <GPatton@winnipeg.ca>; Zurek, Kas <KZurek@winnipeg.ca>; Kiernan, John <JKiernan@winnipeg.ca>; Smith, Braden <BradenSmith@winnipeg.ca>
**Subject:** Parks Lands - Land Drainage Release Rate

Hello Andrew,

The Water and Waste Department (W&W) has reviewed the InfraCor document regarding the land drainage release rate for Parker Lands. We are prepared to undertake additional modelling analysis to check a larger allowable flow rate into the Cockburn-Calrossie Combined Sewer Districts Relief Works ("relief SRB") from the GEM Equities portion of Parker Lands. The relief SRB would need to be analysed to account for a flow rate increase if requested by GEM Equities, in order to ensure the other properties relying on the system still have adequate level of service. W&W would arrange this analysis. I note that there are cost sharing implications associated with the allowable flowrate.

KGS Group issued a memorandum dated April 24, 2015 with respect to the cost sharing for the oversized "relief SRB". I am unsure if you have received a copy of this memo, so I have attached it in the case that you have not. This memo established the estimated share of cost of oversizing of the relief SRB for particular contributors, such as the Taylor Lands and GEM Equities' portion of the Parker Lands. Based on the flow rate of 1.3 L/s, the 2015 cost share estimate for the GEM Equities lands was $905,000. An increased flow rate would increase the share of cost of system to be paid as part of Development Agreement, subject to verification that a requested flow rate increase can be supported while maintaining adequate level of service for all properties relying on the relief SRB.

Could you please review this information and advise if you wish to pursue the larger allowable flow rate?



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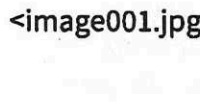
Regards,
MKG



**Marek Gajda**
Services Development Engineer
City of Winnipeg

**WATER AND WASTE DEPARTMENT**
**ENGINEERING SERVICES DIVISION**

**TELEPHONE:** 204-986-7626
**EMAIL:** mgajda@winnipeg.ca
**WEBSITE:** winnipeg.ca
**ADDRESS:** 110-1199 Pacific Avenue, Winnipeg, MB R3E 3S8

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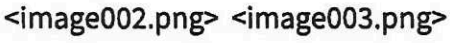
**CONNECT WITH US:** 

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