

**THE KING'S BENCH
Winnipeg Centre**

BETWEEN:

MEMAZ INC.

Plaintiff,

– and –

**MONIQUE GAUTHIER (aka CAT GAUTHIER), COALITION TO
SAVE THE LEMAY FOREST, DIANE BOUSQUET, TERRI
BOUSQUET, LINDSEY MARIE, EVIO RICE, GERALD TOLE,
MEGHAN GREEN, DION NEMEZ, PATRICK JX NEILAN,
ANGELA BRYDGES, MELISSA WARRINGTON, NICK
LAMERANTE, CHASE PUTCH DE-LESELEUC, JOHN DOE #1,
JOHN DOE #2, JOHN DOE #3, JOHN DOE #4, JANE DOE #1, JANE
DOE #2, JANE DOE #3 and JANE DOE #4,**

Defendants.

**SUPPLEMENTARY AFFIDAVIT OF JOHN WINTRUP
SWORN: JANUARY 3, 2025**

HILL SOKALSKI LLP
Litigation Counsel
2670 – 360 Main Street
Winnipeg, Manitoba
R3C 3Z3

Kevin D. Toyne

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File No. **24044**

**THE KING'S BENCH
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MEMAZ INC.

Plaintiff,

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DOE #2, JANE DOE #3 and JANE DOE #4,**

Defendants.

SUPPLEMENTARY AFFIDAVIT OF JOHN WINTRUP

I, **JOHN WINTRUP**, of the City of Winnipeg, in the Province of
Manitoba,

MAKE OATH AND SAY THAT:

1. I am the Professional Planner of the Plaintiff herein (and related entities) and have personal knowledge of the facts hereinafter deposed to by me except where same are stated to be based upon information and belief, in which case I do verily believe same to be true.

2. There are a number of images and photographs embedded in the body of this Affidavit rather than attached as Exhibits. Unless otherwise noted, I took the screenshots and photographs embedded in this Affidavit.

3. I have not been at the blockade since I was attacked and chased up Pembina Highway on the afternoon of December 29, 2024.

4. Before describing events that have transpired since the Court hearing on December 30, 2024, I will provide some additional information about the Plaintiff's efforts to engage with various stakeholders.

Supplemental Information

5. In paragraphs 20 to 24 of my first Affidavit, I gave evidence about interactions with the Coalition.

6. While the Coalition has not updated its webpage to post a copy of the Order or notify anyone about its existence, there is a recent update from December 14, 2024 regarding the Aisle Ritchot Cemetery (<https://savelemayforest.ca/history-2/>). There are two aspects of this update that warrant brief mention:

- (a) First, the update refers to a 50 metre buffer zone around the cemetery proposed by the City. As noted in paragraph 53 of my first Affidavit, the Plaintiff is using a significantly larger buffer zone of 100 metres; and,
- (b) Second, the update references a nearby resident and archivist named Shelley Sweeny. We attempted to engage with her but

she refused. This is may be why the Coalition was unaware that the buffer zone the Plaintiff has implemented is significantly larger than the one proposed by the City.

7. In paragraphs 16 to 19 of my first Affidavit, I gave evidence with respect to the potential unmarked graves and efforts to engage with various levels of government, the MMF and the AMC. Additional correspondence is provided below.

Federal, Provincial and Municipal Governments

8. On October 18, 2023, I sent a letter to the Mayor and the federal and provincial Environment Ministers. A copy of this letter is attached hereto as **Exhibit “A”**.

9. On October 22 and 23, 2023, I sent letters to MP Dan Vandal, MLA Billie Cross and members of City Council. Copies of these letters are attached hereto as **Exhibit “B”**.

10. On December 1, 2023, I received an email from the provincial Environment Minister’s office. A copy of this email is attached hereto as **Exhibit “C”**.

11. On December 6, 2023, I received an email from the Premier’s office. A copy of this email is attached hereto as **Exhibit “D”**.

12. On December 7, 2023, I sent letters to MLA Cross, members of City Council and MP Vandal. Copies of these letters are attached hereto as **Exhibit “E”**.

13. On December 20, 2023, I received an email from the federal Environment Minister's office. A copy of this email is attached hereto as **Exhibit "F"**.

14. On January 26, 2024, I received an email from the office of provincial Minister Ian Bushie. A copy of this email is attached hereto as **Exhibit "G"**.

15. On January 29, 2024, I replied to Minister Guilbeault and Minister Bushie. Copies of those letters are attached hereto as **Exhibit "H"**.

16. On February 26, 2024, I received an email from Minister Schmidt's office. A copy of this email is attached hereto as **Exhibit "I"**.

Heritage Resources Branch

17. In the Spring of 2024, I exchanged emails with Reid Graham (provincial Impact Assessment Archaeologist). A copy of that exchange is attached hereto as **Exhibit "J"**.

18. On May 22, 2024, I met with Mr. Graham, Mr. Paxton-Read, three other HRB employees and three City employees at the Property to discuss potential development around Aisle Ritchot cemetery. Further emails were exchanged over the next month and they are attached hereto as **Exhibit "K"**.

19. Exhibit "C" to my first Affidavit is a report prepared by Mr. Paxton-MacRae. He provided a draft version of it to Mr. Graham at the end of May and Mr. Graham provided detailed comments on June 12, 2024. A copy of their exchange is attached hereto as **Exhibit "L"**.

20. On June 13, 2024, the revised version of Mr. Paxton-MacRae's report was provided to Mr. Graham. A copy of the email attaching the revised report is attached hereto as **Exhibit "M"**.

AMC

21. On December 6 and again on December 12, 2023, I exchanged emails with Lisa Muswagon at the AMC. A copy of our exchange is attached hereto as **Exhibit "N"**.

22. On December 13, 2023, we exchanged emails about a meeting the next day and a pipe ceremony being planned for December 20, 2023. A copy of our exchange is attached hereto as **Exhibit "O"**.

23. Over the next several days, there was further correspondence about the pipe ceremony and related public statements to be made. Copies of that correspondence along with draft agendas and press releases are attached hereto as **Exhibit "P"**.

24. While the pipe ceremony was cancelled by the AMC and did not proceed on December 20, 2023, Grand Chief Merrick sent an email to the Mayor that day. A copy of that email and some further correspondence is attached hereto as **Exhibit "Q"**.

25. I exchanged some further emails with Ms. Muswagon in the first few months of 2024. A copy of those emails is attached hereto as **Exhibit "R"**.

26. In late November, 2024, I received a phone call from Melanie Everette at the AMC. She told me that she had received a letter from a woman with

OURS-Winnipeg telling her that AMC should be alarmed by what was happening on the Property, and she wanted to know what was happening. I explained to her that trees would be cut down but not in the buffer zone around potential unmarked graves and that Denny's sweat lodges would remain. I also reminded her that the AMC had an open invitation to attend at the Property for a tour and discussion about the potential unmarked graves. I also provided her with an update on the upcoming Municipal Board appeal. After we spoke, I sent her an email. A copy of this email is attached hereto as **Exhibit "S"**.

Treaty One Nations

27. On February 12, 2024, I exchanged emails with Judy Wasacase. A copy of that exchange is attached hereto as **Exhibit "T"**.

The MMF

28. In late July, 2023, I sent several emails to the MMF. Copies of those email exchanges are attached hereto as **Exhibit "U"**.

29. In August, 2023, the MMF and Mr. Yahyapour traded emails. Copies of those email exchanges are attached hereto as **Exhibit "V"**.

30. Following that exchange, I exchanged emails with the MMF. A copy of that chain of correspondence is attached hereto as **Exhibit "W"**.

31. In my final email, I stated "We are also reaching out to all levels of government and other parties such as the MMF, to determine any interest in

acquiring these lands to preserve all the trees instead of adding any new housing”.

32. Over a two week period in late February and March, 2024, Mr. Yahyapour and Dustyn Panson exchanged emails regarding the MMF’s offer to purchase the Property. A copy of their correspondence is attached hereto as **Exhibit “X”**.

33. In September, 2024, I became aware that the MMF had made a submission to the Riel Community Committee. The MMF did not provide it to us so I attended at City Hall to obtain a copy and it is attached hereto as **Exhibit “Y”**.

34. I am aware of several media appearances by MMF President David Chartrand about the Property. For example, a news story published on March 19, 2024 by CTV Winnipeg states that “MMF president David Chartrand says if a purchase price can't be reached, he is willing to start legal action of his own to prevent any development, as he has concerns there could be a cemetery there from a former orphanage.”

35. On June 19, 2024, the Winnipeg Free Press published an article entitled “Tree clearing set for disputed Lemay Forest: planner” that reads in part:

He also said he’s faced safety threats linked to the proposal.

Wintrup said residents have yelled, screamed and sworn at meetings, while one person threw a surveyor stake at him during a site visit.

“We’re not looking to escalate it any further... I’m hoping some calmer heads actually start prevailing,” said Wintrup, noting he’s had productive meetings with some residents.

The planner also expressed concerns about comments federation president David Chartrand made during a recent CJOB interview about the development, which specifically related to the cemetery for a former orphanage that operated on part of the site.

“When it comes to graves and culture and all that, that’s a different game. And we will come in with every loaded gun we have to protect culture and, of course, our graves,” said Chartrand at the time.

During a Wednesday interview, the federation leader stressed he did not intend any threat.

“Everybody knows I’m not talking about a real gun, I’m talking about a loaded position that I will defend... There’s no attempt to hurt, physically or in any manner,” he said.

Chartrand accused the owner of portraying himself as a victim as he seeks more money for the land.

He said protecting any possible Métis graves is the federation’s top priority.

“If there’s graves in there, I guarantee you I will do everything in my power to protect it because the majority of children that were in that orphanage were Métis,” he said.

Wintrup said the development would include a buffer around the historic cemetery and testing will be used to determine the exact location of any potential graves.

36. I am unaware of any legal proceedings being commenced by the MMF regarding the Property or the Plaintiff’s tree clearing. I am also unaware of any further correspondence being sent to the Plaintiff by the MMF since March, 2024.

Federal Wildlife Officer

37. On June 21, 2024 (the day after the CBC news story I mention in paragraph 48 of my first Affidavit), I received an email from a federal wildlife officer named Riley Black. I provided this email to Mr. Toyne and the two of them exchanged emails over the next week or so. Mr. Toyne provided a copy of a Biological Land Inventory report prepared by Ducks Unlimited Canada (o/a Native Plant Solutions) in 2020 regarding the Property. A copy of these emails is attached hereto as **Exhibit “Z”**.

38. During my many hours spent on the Property, I have never observed a pileated woodpecker. No one has contacted myself or the Plaintiff about a possible pileated woodpecker nest as I would expect someone acting in good faith to do. Neither I nor the Plaintiff have been contacted about migratory bird issues since the emails mentioned in the paragraph above.

December 30, 2024

39. I attended the Court hearing before Justice Inness. That evening, I sent a copy of the Order to the Plaintiff’s tree contractor. I watched a CBC new story posted around 10:45 pm that referred to roughly 50 people being present at the blockade that morning.

40. I was concerned that Denny could require paperwork to prove that he was authorized to be on the Property so I also prepared a draft letter of authorization for Denny to continue to use the Property for the following purposes:

- (a) Indigenous ceremonial practices;

- (b) raising awareness of the harms of the past at L'Aisle Ritchot Orphanage;
- (c) acknowledging the location of the unmarked graves;
- (d) providing healing and closure for the survivors and their descendants affected by the historical harms involving the Les Oblats, to the extent reasonably possible; and
- (e) providing access and opportunities for non-Indigenous people, and Indigenous peoples, groups and communities, to participate in spiritual Indigenous ceremonies, sweat lodges, cultural camps and talking circles, grow medicinal herbs and facilitate intergenerational learning in an appropriately designed outdoor learning space.

41. I sent the draft letter to Mr. Yahyapour. He signed on behalf of the Plaintiff and sent it back to me. I provided the letter to Denny the next day.

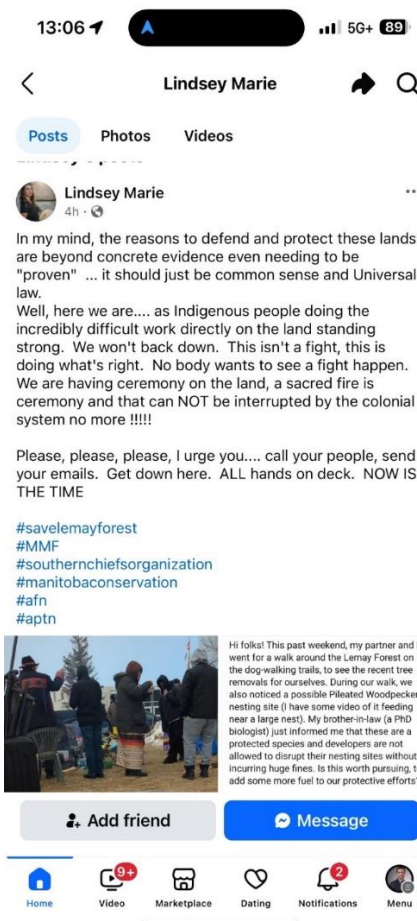
42. I did not see the Coalition or anyone else associated with the blockade post a copy of the injunction Order on social media before I went to bed.

December 31, 2024

43. I had several discussions with the Winnipeg Police Service about enforcement and service of the Order. I was informed that the WPS would not be enforcing the Order or attending to keep the peace if the Plaintiff took steps to serve persons at the blockade. I was also informed that there was a meeting of "stakeholders" being held on Monday, January 6, 2025 to discuss

the situation. I asked who the stakeholders were but I was not provided with that information.

44. I sent an email to CityNews containing Court documents and I was interviewed for a video story entitled "[Court injunction aims to halt a tense standoff over Winnipeg's Lemay Forest](#)". One of the Defendants alleged during an interview that elders were told sweat lodges needed to be torn down by Monday. I literally have no idea what she is talking about – that allegation is fabricated nonsense. After my CityNews interview, I met with the Winnipeg Police Service for close to two hours about what happened to me on the afternoon of December 29, 2024. That afternoon, Mr. Yahyapour sent me this Facebook post made by Defendant Lindsey Marie:



45. MP Terry Duguid and MLAs Loiselle and Cross attended the blockade:

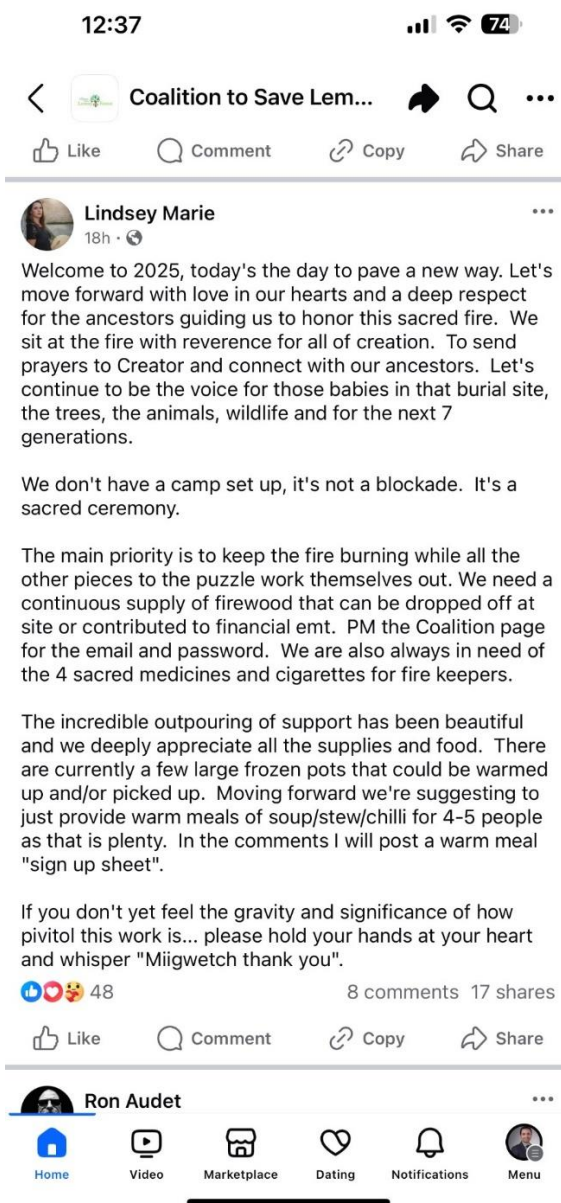


46. I did not see the Coalition or anyone else associated with the blockade post a copy of the injunction Order on social media.

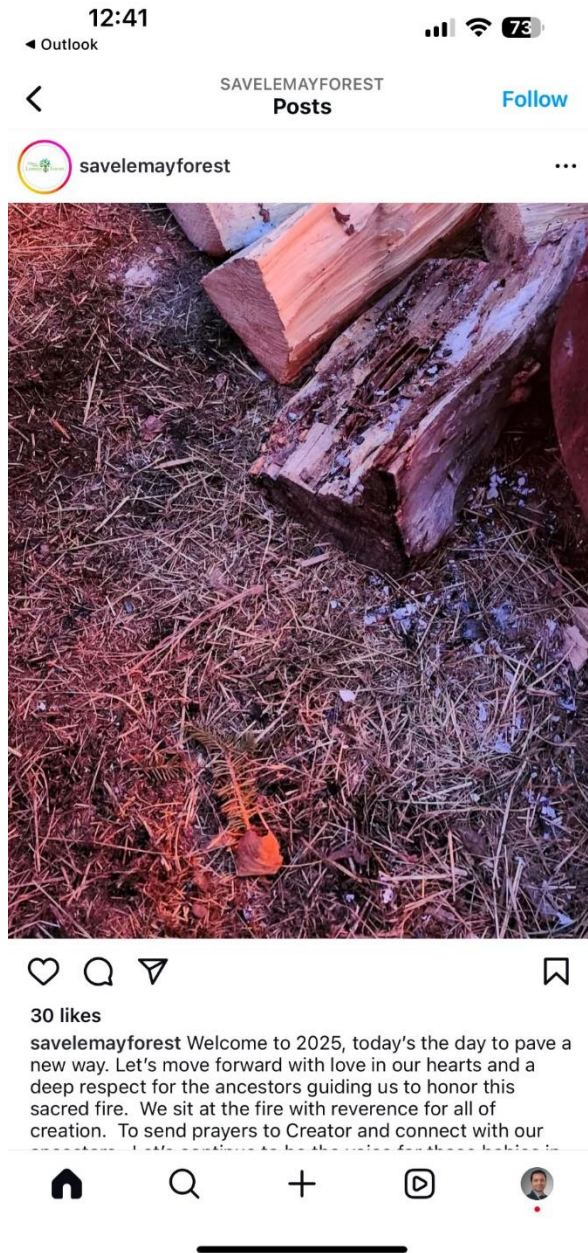
January 1, 2025

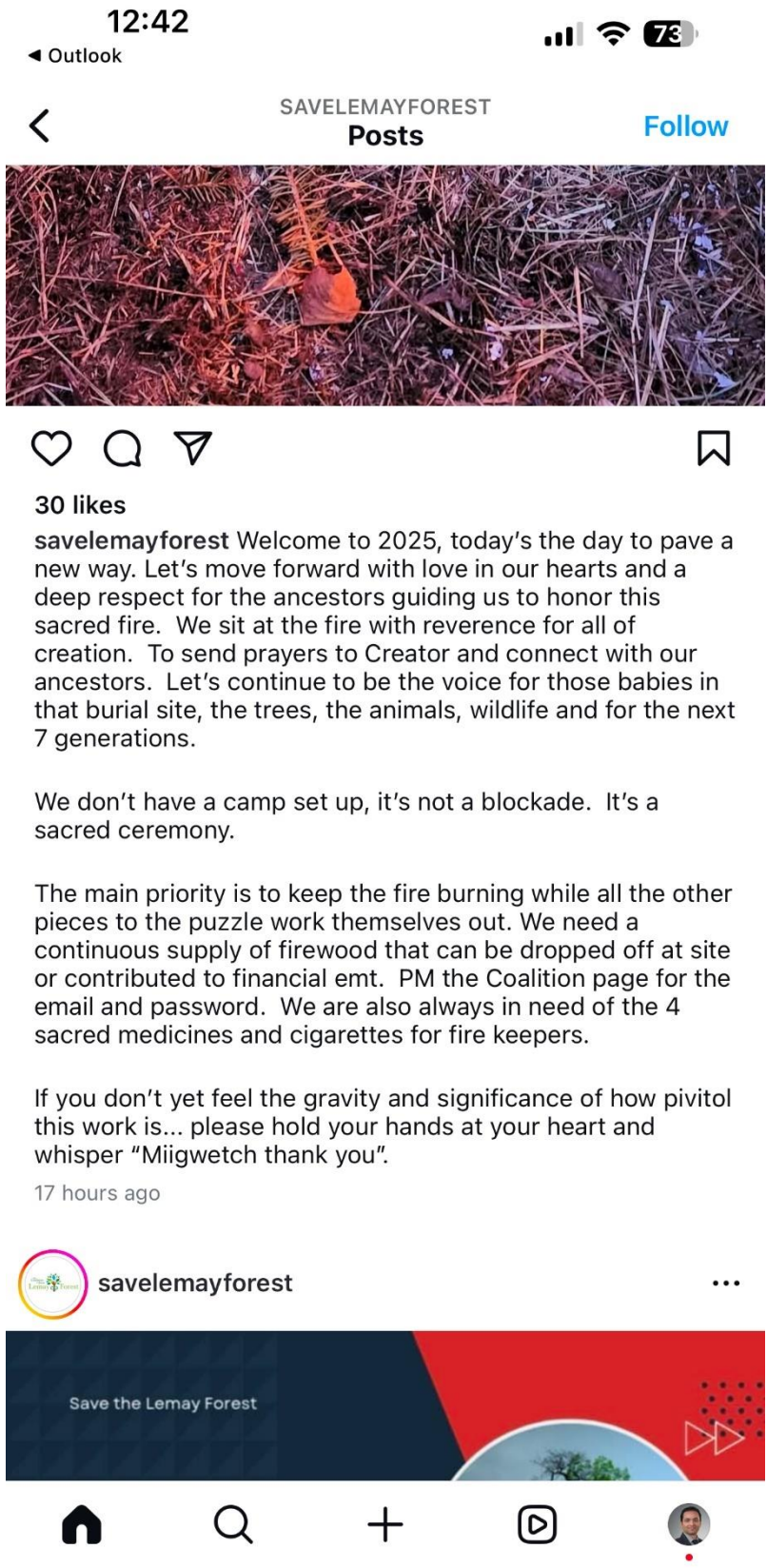
47. I communicated with the WPS about what happened to me on the afternoon of December 29, 2024. Out of an abundance of caution, I also applied for a new open fire pit permit for Denny that specifies the locations of his sweat lodges and ceremonial fire pit.

48. I did not see the Coalition or anyone else associated with the blockade post a copy of the injunction Order on social media. Instead, Defendant Lindsey Marie made the following post on Facebook (which Mr. Yahyapour shared with me):



49. While the Coalition posted a detailed update to the Coalition's Instagram on or around Boxing Day, the Coalition's Instagram page makes no mention of the Order. Instead, the following post was made:

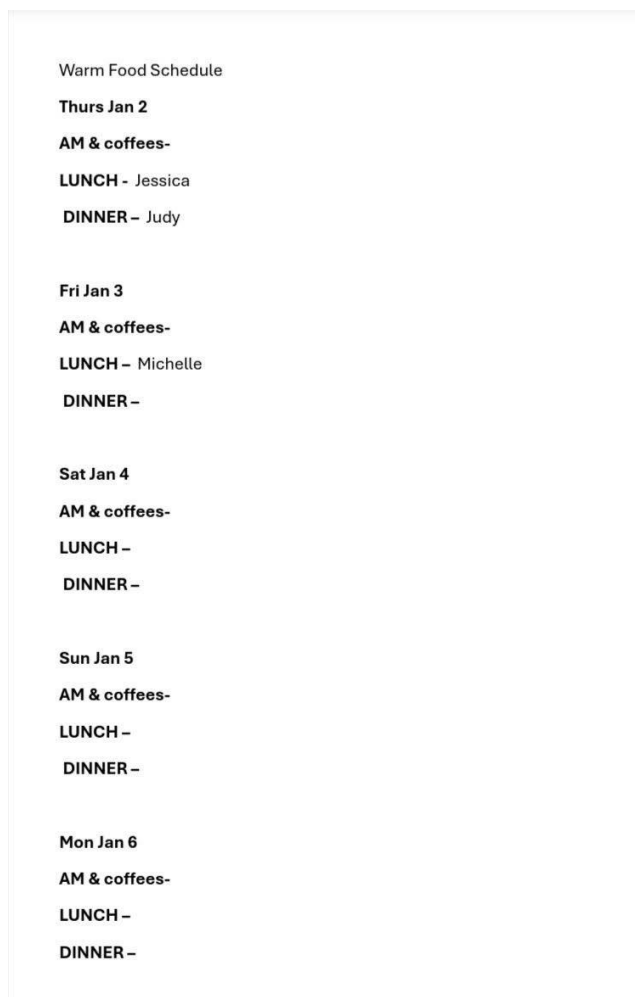




50. I do not know the email address being used by the Coalition to accept financial contributions in support of the blockade.

January 2, 2025

51. I posted the content of the injunction Order as a Google Review of the “Lemay Forest”. The following post about a food and coffee schedule for the blockade was made on the Coalition’s Facebook page:



52. I did not see the Coalition or anyone else associated with the blockade post a copy of the injunction Order on social media. I also did not see a copy of the Order posted on the Coalition’s YouTube Channel or GoFundMe

fundraiser page. The Coalition has raised over \$8000 and the purpose of the Coalition's fundraising is stated to be as follows:

Purpose of fundraising:

We want to show our elected officials that the community is committed to the acquisition process, in both tangible and intangible ways. A grassroots fundraising campaign will send a clear message that we are committed to supporting the City of Winnipeg with their purchase of the 22-acre Lemay Forest and greenfield.

The funds raised will be used for any or all of the following:

1. Direct contribution for acquisition:

Donations will be directed to the City of Winnipeg explicitly for the purchase of the 22-acre Lemay Forest, contingent upon its rezoning as parkland.

2. Establishment of support entities:

Setting up a foundation, association, or charity to aid the City of Winnipeg in managing and maintaining the forest and greenfield after rezoning.

3. Maintenance plan implementation:

Supporting the development of a maintenance plan for the 22-acre Lemay Forest as parkland, including initiatives like tree planting, restoring native prairie grassland, maintaining trails, installing informational signage on its history and biodiversity, and managing litter.

4. Administrative costs and advocacy:

Allocating minimal funds for administrative expenses specifically related to advocating for the forest's purchase. These expenses will be limited and used only when absolutely necessary, ensuring that the majority of funds go toward purchasing and maintaining the 22-acre Lemay Forest and greenfield.

NOTE: All Coalition members are dedicated volunteers who are donating their time because we believe in the cause. None of the funds raised will be used to pay Coalition members or any other volunteers for their time or services.

We are committed to transparency on how the funds are being used. Regular updates will be made available on our website.

If our efforts to support the City of Winnipeg in acquiring and rezoning Lemay Forest to parkland prove unsuccessful without viable alternative paths (such as provincial, federal, non-governmental organization (NGO), or public partnerships), the funds raised will be redirected. These funds will be allocated to groups or charities dedicated to advancing nature based social and recreational services. The specific allocation will be decided later by consensus among the Coalition to Save Lemay Forest members. Feel free to contact us with any concerns.

53. The Coalition's purposes of fundraising make no mention of raising funds to support the blockade.

January 3, 2025

54. Today is the seventh day since the Plaintiff lost access to the Property.

55. Around 11:45 am, I received a voicemail from Ms. Everette of the AMC asking me to call her as she was driving on the highway and may be in and out of phone reception. I spoke with her not long before I swore this Affidavit. She wanted an update on what was happening and if anything was different from our last discussion. I told her about the tree clearing, the blockade, the injunction and how Denny has been authorized to remain on the Property. I reminded her about the invitation that I mention above. She mentioned that she would update the Grand Chief's Office and we agreed to connect again sometime soon.

56. I swore this Affidavit at approximately 1:50 pm. Before swearing this Affidavit, I did not see the Coalition or anyone else associated with the blockade post a copy of the injunction Order on social media.

57. Not long before I swore my Affidavit, someone posted some of the text of today's Winnipeg Free Press article on the Coalition's Facebook page.

58. I make this Affidavit bona fide.

SWORN before me at the City of)
Winnipeg, in the Province of)
Manitoba, this 3rd day of January,)
2025)



JOHN WINTRUP

A Barrister-at-law entitled to practice
in and for the Province of Manitoba



This is **Exhibit "A"** referred to in the
Supplementary Affidavit of
John Wintrup sworn before me
this 3rd day of January, 2025



Kevin D. Toyne

A Barrister-at-law entitled to practice
in and for the Province of Manitoba



JOHN SCOTT WINTRUP
PLANNING & DEVELOPMENT



October 18, 2023

The Honourable Steven Guilbeault, MP
Minister of Environment and Climate Change
Environment and Climate Change Canada
Fontaine Building 12th floor
200 Sacré-Coeur Blvd
Gatineau QC K1A 0H3

Honourable Tracy Schmidt, MLA
Minister of Environment and Climate Change
Environment and Climate
450 Broadway
Legislative Building
Winnipeg MB R3C 0V8

Mayor Scott Gillingham
Council Building
City of Winnipeg
510 Main St.
Winnipeg MB R3B 1B9

RE Tochal Lands St. Norbert, Winnipeg, Manitoba

My name is John Wintrup, a professional planner assisting Tochal Developments with the residential development of their vacant lands in St. Norbert.

Tochal Developments owns +22 acre greenfield and forested area adjacent to the southwest shores of the Red River, east of 35 De La Digue Avenue, west of 100 Villa Maria Place, and north of the homes at 819 - 915 Lemay AVE in the St. Norbert area of Winnipeg, Manitoba.

We are in the early stages of planning the future for these forested lands as a new residential development that finds a balance for adding new accessible, affordable, and assisted living housing to address Canada's housing crisis while safekeeping a portion of the forest.

We are also reaching out to all levels of government to determine their interest in acquiring these lands to preserve all the trees instead of adding any new housing. Tochal Developments has no intent on continuing the financial burden of owning a publicly accessible, privately owned forest with no housing.



JOHN SCOTT WINTRUP
PLANNING & DEVELOPMENT



We are willing to meet any government(s) representative(s) to share information on these lands for their consideration of acquiring the lands for the sole purpose of preserving the entire forest instead of providing any housing.

Should we not hear back from any government by the end of December 2023, this will be considered a lack of interest in government(s) acquiring these lands for tree preservation. We will continue to advance different options and finalize plans for transforming these private lands by Spring 2024.

We look forward to cooperating with stakeholders willing to mutually address Canada's Housing Crisis and Climate Change.

Sincerely,

John Scott Wintrup, B.A. (Hons), M.Sc.Pl., MCIP, RPP, AICP, CNU-A, LEED® Green Associate™
301-139 Roslyn RD
Winnipeg MB R3L0G7
Jwintrup@me.com

cc. Francis Scarpaleggia, MP, Chair, Standing Committee on Environment & Sustainable Development
Sean Fraser, Minister of Housing, Infrastructure and Communities
Terry Duguid, MP Winnipeg South
Jean-Francois Tremblay, Deputy Minister, Environment and Climate Change Canada
Tara Shannon, Assistant Deputy Minister, Canadian Wildlife Service
Ron Hallman, Parks Canada, President & CEO
Billie Cross, MLA Seine River
Ryan Klos Deputy Minister, Environment and Climate, Province of Manitoba
Rob Nedotiafko, Director, Manitoba Parks, Province of Manitoba
Wanda Koptko, A/Director, Real Estate Services Branch, Province of Manitoba
Janice Lukes, Deputy Mayor, City of Winnipeg
Sherri Rollins, Chair, Standing Policy Committee on Property and Development
Markus Chambers, Acting Deputy Mayor, Councillor St. Norbert – Seine
Michael Jack, CAO City of Winnipeg
Wendy Bloomfield, Chairperson, Seine River School Division, Ward 1 Trustee
Dr. Ryan Anderson, Superintendent, Seine River School Division
Bernard Lesage, President, Division scolaire franco-manitobaine
Dana Derkson, President, St. Norbert Community Centre

This is **Exhibit "B"** referred to in the
Supplementary Affidavit of
John Wintrup sworn before me
this 3rd day of January, 2025

Kevin D. Toyne

A Barrister-at-law entitled to practice
in and for the Province of Manitoba



JOHN SCOTT WINTRUP
PLANNING & DEVELOPMENT



October 22, 2023

The Honourable Dan Vandal, MP
Minister responsible for Prairies Economic Development Canada
House of Commons
Ottawa, Ontario K1A 0A6

RE Tochal Lands St. Norbert, Winnipeg, Manitoba

My name is John Wintrup, a professional planner assisting Tochal Developments with the residential development of their vacant lands in the Riel Community Committee area.

Tochal Developments controls +22 acre greenfield and forested area adjacent to the southwest shores of the Red River, east of 35 De La Digue Avenue, west of 100 Villa Maria Place, and north of the homes at 819 - 915 Lemay AVE in the St. Norbert area of Winnipeg.

We are in the early stages of planning the future for these forested lands as a new residential development that finds a balance for adding new accessible, affordable, and assisted living housing to address Canada's housing crisis while protecting a portion of the forest.

Tochal Developments has no interest or intent on continuing the financial burden of owning a publicly accessible, privately owned forest with no housing.

Some residents have voiced that these privately owned lands must be preserved as a publicly accessible forested area. All levels of government, including your colleague Steven Guilbeault, Minister of Environment and Climate Change, have been contacted to determine government interest in acquiring these lands to preserve all the trees instead of adding any new housing.

More importantly, we understand and recognize the significant history of the Red River Métis in St. Norbert and have engaged the MMF adhering to Resolution No. 8 Framework. A team of professionals is researching the Métis history with these specific lands. We will share this work once completed, with a willingness to cooperate with all parties in adding new housing in a manner that acknowledges, respects, and safeguards Métis history in St. Norbert.



JOHN SCOTT WINTRUP
PLANNING & DEVELOPMENT



Tochal extends an invitation to your offices to enter the private property at your own risk during daylight hours until the end of November 2023 to heighten your understanding of the private property for future discussions or considerations in 2024.

Tochal Lands can be accessed via the City of Winnipeg lands: 3450 Pembina Hwy, St. Norbert Community Centre is a starting point. Walking due west behind the building will cross City playing fields to the flood protection berms to access the subject lands beyond the chain link fence, south of the flood berm. Total walking distance, +/- 1800 m.

Please contact me if you wish to express feedback, concern, or interest in any aspect of this matter: the new housing, the tree's perseveration, and/or the Métis history of the lands. We are willing to listen and build consensus for the future of these lands.

Sincerely,

John Scott Wintrup, B.A. (Hons), M.Sc.Pl., MCIP, RPP, AICP, CNU-A, LEED® Green Associate™
301-139 Roslyn RD
Winnipeg MB R3L0G7
Jwintrup@me.com



JOHN SCOTT WINTRUP
PLANNING & DEVELOPMENT



October 22, 2023

Billie Cross, MLA Seine River
450 Broadway
Legislative Building
Winnipeg MB R3C 0V8

RE Tochal Lands St. Norbert, Winnipeg, Manitoba

My name is John Wintrup, a professional planner assisting Tochal Developments with the residential development of their vacant lands in the St. Norbert area of Winnipeg.

Tochal Developments controls +22 acre greenfield and forested area adjacent to the southwest shores of the Red River, east of 35 De La Digue Avenue, west of 100 Villa Maria Place, and north of the homes at 819 - 915 Lemay AVE.

We are in the early stages of planning the future for these forested lands as a new residential development that finds a balance for adding new accessible, affordable, and assisted living housing to address Canada's housing crisis while protecting a portion of the forest.

Tochal Developments has no interest or intent on continuing the financial burden of owning a publicly accessible, privately owned forest with no housing.

Some residents have voiced that these privately owned lands must be preserved as a publicly accessible forested area. All levels of government, including your colleague Tracey Schmidt Minister of Environment and Climate Change, have been contacted to determine government interest in acquiring these lands to preserve all the trees instead of adding any new housing.

More importantly, we understand and recognize the significant history of the Red River Métis in St. Norbert and have engaged the MMF adhering to Resolution No. 8 Framework. A team of professionals is researching the Métis history with these specific lands. We will share this work once completed, with a willingness to cooperate with all parties in adding new housing in a manner that acknowledges, respects, and safeguards Métis history in St. Norbert.

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JOHN SCOTT WINTRUP
PLANNING & DEVELOPMENT



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Please contact me if you wish to express feedback, concern, or interest in any aspect of this matter: the new housing, the trees' preservation, and/or the Métis history of the lands. We are willing to listen and build consensus for the future of these lands.

Sincerely,

John Scott Wintrup, B.A. (Hons), M.Sc.PI., MCIP, RPP, AICP, CNU-A, LEED® Green Associate™
301-139 Roslyn RD
Winnipeg MB R3L0G7
Jwintrup@me.com



JOHN SCOTT WINTRUP
PLANNING & DEVELOPMENT



October 23, 2023

Members, City of Winnipeg Council
Council Building
City of Winnipeg
510 Main St.
Winnipeg MB R3B 1B9

RE Tochal Lands St. Norbert, Winnipeg, Manitoba

My name is John Wintrup, a professional planner assisting Tochal Developments with the residential development of their vacant lands in the Riel Community Committee area.

Tochal Developments controls +22 acre greenfield and forested area adjacent to the southwest shores of the Red River, east of 35 De La Digue Avenue, west of 100 Villa Maria Place, and north of the homes at 819 - 915 Lemay Ave in the St. Norbert area of Winnipeg.

There are no active development applications on these lands. We are in the early stages of planning the possible development scenarios to transform these lands that may – or may not - require discretionary approvals from the elected officials at the City of Winnipeg.

Tochal extends an invitation to your offices to enter the private property at your own risk during daylight hours until the end of November 2023 to heighten your understanding of the private property for future discussions or considerations in 2024.

Tochal Lands can be accessed via the City of Winnipeg lands: 3450 Pembina Hwy, St. Norbert Community Centre is a starting point. Walking due west behind the building will cross City playing fields to the flood protection berms to access the subject lands beyond the chain link fence, south of the flood berm. Total walking distance, +/- 1800 m.

Sincerely,

John Scott Wintrup, B.A. (Hons), M.Sc.Pl., MCIP, RPP, AICP, CNU-A, LEED® Green Associate™

301-139 Roslyn RD Winnipeg MB R3L0G7
Jwintrup@me.com

This is **Exhibit "C"** referred to in the
Supplementary Affidavit of
John Wintrup sworn before me
this 3rd day of January, 2025

Kevin D. Toyne

A Barrister-at-law entitled to practice
in and for the Province of Manitoba

From: Minister of Environment and Climate Change minecc@manitoba.ca 
Subject: Tochal Lands St. Norbert, Winnipeg, Manitoba
Date: December 1, 2023 at 9:50 AM
To: jwintrup@me.com
Cc: Steven.Guilbeault@parl.gc.ca, mayorgillingham@winnipeg.ca, Harms, Jenny Jenny.Harms@gov.mb.ca



Good morning,

Please see the attached letter from the Honourable Tracy Schmidt, Minister of Environment and Climate Change for Manitoba.

No hard copy to follow.

Thank
you.

Correspondence Team
Minister of Environment and Climate Change
Room 344 Legislative Building
Office: 204-945-3730
Email: minecc@manitoba.ca



**Letter from John Wintrup -
October 18, 2023.pdf**





Minister of Environment and Climate Change

Minister responsible for Efficiency Manitoba

Legislative Building, Winnipeg, Manitoba R3C 0V8 CANADA

NOV 30 2023

John Wintrup
Planning & Development
301-139 Roslyn RD
Winnipeg MB R3L 0G7
Jwintrup@me.com

Dear John Wintrup:

Thank you for your recent letter regarding Tochal Development Group Inc.'s interest in selling forested lands along the Red River in St. Norbert for the express purpose of preserving the entire forest. I appreciate you sharing your ideas as our government is a listening government.

As part of my mandate letter, provided by Premier Wab Kinew, our government is committed to working in partnership with Indigenous Nations, environmental advocacy groups and the business community on the goal to protect 30 per cent of Manitoba's diverse landscapes by 2030. As this is also a national goal, we are supportive of other levels of government showing an interest in the property and ensuring we work together to protect and conserve these green spaces for future generations.

In this regard, I would ask that you reach out directly to staff in my department within the Parks Branch to provide more details on the property and any other available information on the location and condition of the forested lands. Jenny Harms, Protected Areas Specialist can be contacted at jenny.harms@gov.mb.ca or at 204-945-4363, if you would like to discuss further.

Thank you again for reaching out and for your interest in contributing to Manitoba's network of protected and conserved areas and for promoting climate resilience.

Sincerely,

Honourable Tracy Schmidt
Minister

c. The Honourable Steven Guilbeault
Mayor Scott Gillingham
Jenny Harms

This is **Exhibit "D"** referred to in the
Supplementary Affidavit of
John Wintrup sworn before me
this 3rd day of January, 2025

Kevin D. Toyne

A Barrister-at-law entitled to practice
in and for the Province of Manitoba

From: Premier of Manitoba premier@manitoba.ca
Subject: RE: Tochal Lands St. Norbert
Date: December 6, 2023 at 1:35 PM
To: jwintrup@me.com



Good afternoon,

On behalf of The Honourable Wab Kinew, Premier of Manitoba, we would like to acknowledge receipt of your correspondence dated November 21, 2023. We apologize for the delay in responding.

Due to the high volume of correspondence being received at this time, your letter remains under review and you will receive a response at the earliest opportunity.

Thank you for following up.

**Premier's Correspondence Team
Executive Council
Government of Manitoba**

From: jwintrup@me.com <jwintrup@me.com>
Sent: December 1, 2023 6:40 PM
To: premier@leg.gov.mb.ca
Subject: Tochal Lands St. Norbert

The Honourable Wab Kinew
Premier of Manitoba
Minister Responsible for Indigenous Reconciliation

Dear Premier:

My name is John Wintrup, a professional planner and resident of Fort Rouge.

I am assisting Tochal Developments with the residential development of their vacant lands, +22 acre greenfield and forested area in St. Norbert.

Just want to follow up to ensure the letter dated November 21, 2023 sent to your offices was received.

Yours sincerely,

John Scott Wintrup, B.A. (Hons), M.Sc.Pl., MCIP, RPP, AICP, CNU-A, LEED® Green
Associate™
J.Wintrup Consulting Ltd.
Phone: (204) 799-7713
Website: <https://johnwintrup.com>
Linkedin: www.linkedin.com/in/john-s-wintrup
Address: 301-139 Roslyn RD Winnipeg MB R3L0G7

This is **Exhibit "E"** referred to in the
Supplementary Affidavit of
John Wintrup sworn before me
this 3rd day of January, 2025

Kevin D. Toyne

A Barrister-at-law entitled to practice
in and for the Province of Manitoba



JOHN SCOTT WINTRUP
PLANNING & DEVELOPMENT



December 7, 2023

Billie Cross, M.L.A.
Seine River
Legislative Building
234 - 450 Broadway
Winnipeg MB R3C 0V8

RE Tochal Lands St. Norbert, Winnipeg, Manitoba

My name is John Wintrup, a professional planner assisting Tochal Developments with the residential development of their vacant lands in the Riel Community Committee area.

Tochal Developments controls +22 acre greenfield and forested area adjacent to the southwest shores of the Red River, east of 35 De La Digue Avenue, west of 100 Villa Maria Place, and north of the homes at 819 - 915 Lemay Ave in the St. Norbert area of Winnipeg.

A public open house will occur in early 2024 – see attachment. All invited.

Tochal extends an invitation to your offices to enter the private property at your own risk during daylight hours until the end of December 2023 to heighten your understanding of the private property for future discussions or considerations in 2024.

Tochal Lands can be accessed via City of Winnipeg lands [easterly extension of Avenue de la Digue] that connects the east side of Rue Landry to a set of gates at the SW corner of the Tochal lands - Total walking distance, +/- 180 m.

Yours Sincerely,

John Scott Wintrup, B.A. (Hons), M.Sc.PI., MCIP, RPP, AICP, CNU-A, LEED® Green Associate™
301-139 Roslyn RD Winnipeg MB R3L0G7
Jwintrup@me.com



JOHN SCOTT WINTRUP
PLANNING & DEVELOPMENT



December 7, 2023

Members, City of Winnipeg Council
Council Building
City of Winnipeg
510 Main St.
Winnipeg MB R3B 1B9

RE Tochal Lands St. Norbert, Winnipeg, Manitoba

My name is John Wintrup, a professional planner assisting Tochal Developments with the residential development of their vacant lands in the Riel Community Committee area.

Tochal Developments controls +22 acre greenfield and forested area adjacent to the southwest shores of the Red River, east of 35 De La Digue Avenue, west of 100 Villa Maria Place, and north of the homes at 819 - 915 Lemay Ave in the St. Norbert area of Winnipeg.

There are no active development applications on these lands. A public open house will occur in early 2024 – see attachment. All invited.

Tochal extends an invitation to your offices to enter the private property at your own risk during daylight hours until the end of December 2023 to heighten your understanding of the private property for future discussions or considerations in 2024.

Tochal Lands can be accessed via City of Winnipeg lands [easterly extension of Avenue de la Digue] that connects the east side of Rue Landry to a set of gates at the SW corner of the Tochal lands - Total walking distance, +/- 180 m.

Sincerely,

John Scott Wintrup, B.A. (Hons), M.Sc.PI., MCIP, RPP, AICP, CNU-A, LEED® Green Associate™
301-139 Roslyn RD Winnipeg MB R3L0G7
Jwintrup@me.com



JOHN SCOTT WINTRUP
PLANNING & DEVELOPMENT



December 7, 2023

The Honourable Dan Vandal, MP
Minister responsible for Prairies Economic Development Canada
House of Commons
Ottawa, Ontario K1A 0A6

RE Tochal Lands St. Norbert, Winnipeg, Manitoba

My name is John Wintrup, a professional planner assisting Tochal Developments with the residential development of their vacant lands in the Riel Community Committee area.

Tochal Developments controls +22 acre greenfield and forested area adjacent to the southwest shores of the Red River, east of 35 De La Digue Avenue, west of 100 Villa Maria Place, and north of the homes at 819 - 915 Lemay Ave in the St. Norbert area of Winnipeg.

A public open house will occur in early 2024 – see attachment. All invited.

Tochal extends an invitation to your offices to enter the private property at your own risk during daylight hours until the end of December 2023 to heighten your understanding of the private property for future discussions or considerations in 2024.

Tochal Lands can be accessed via City of Winnipeg lands [easterly extension of Avenue de la Digue] that connects the east side of Rue Landry to a set of gates at the SW corner of the Tochal lands - Total walking distance, +/- 180 m.

Yours Sincerely,

John Scott Wintrup, B.A. (Hons), M.Sc.Pl., MCIP, RPP, AICP, CNU-A, LEED® Green Associate™
301-139 Roslyn RD Winnipeg MB R3L0G7
Jwintrup@me.com

This is **Exhibit "F"** referred to in the
Supplementary Affidavit of
John Wintrup sworn before me
this 3rd day of January, 2025



Kevin D. Toyne

A Barrister-at-law entitled to practice
in and for the Province of Manitoba

From: **Ministre / Minister (ECCC)** ministre-minister@ec.gc.ca 
Subject: Reply from the Honourable Steven Guilbeault, Minister of Environment and Climate Change - MIN 305661
Date: December 20, 2023 at 10:36 AM
To: jwintrup@me.com
Cc: mayorgillingham@winnipeg.ca, minecc@manitoba.ca



**SIGNED REPLY - Wintrup -
MIN-305661.pdf**
87 KB



**305661 - Wintrup - October 18,
2023.pdf**





DEC 20 2023

Mr. John Scott Wintrup
301-139 Roslyn Road
Winnipeg MB R3L 0G7

jwintrup@me.com

Dear Mr. Wintrup:

Thank you for your letter of October 18, 2023, concerning the Tochal Lands in St. Norbert, Winnipeg, Manitoba. I regret the delay in responding.

Parks Canada is collaborating with partners, including Indigenous peoples, to create a network of national urban parks in several of Canada's large urban centres. Parks Canada's National Urban Parks Program has three core objectives: the conservation of nature, connecting people with nature, and advancing reconciliation with Indigenous peoples. Each national urban park will contribute to these objectives in ways that reflect the unique local context.

Parks Canada has held initial discussions with the City of Winnipeg, the Manitoba Métis Federation, Treaty One Nations, and the province of Manitoba to advance the pre-feasibility phase of the project of designating a national urban park in Winnipeg.

I thank you for bringing the Tochal Lands to my attention. The Parks Canada team working on the national urban park project will discuss this opportunity with partners prior to the end of the year.

Sincerely,

A handwritten signature in blue ink, appearing to read "Steven Guilbeault".


The Honourable Steven Guilbeault, P.C., M.P. (il/lui/he/him)

c.c.: The Honourable Tracy Schmidt, M.L.A.
His Worship Scott Gillingham, Mayor of Winnipeg

This is **Exhibit "G"** referred to in the
Supplementary Affidavit of
John Wintrup sworn before me
this 3rd day of January, 2025

Kevin D. Toyne

A Barrister-at-law entitled to practice
in and for the Province of Manitoba

From: Minister of Indigenous Economic Development minied@manitoba.ca 
Subject: Letter to John Scott Wintrup - January 26, 2024
Date: January 26, 2024 at 1:56 PM
To: jwintrup@me.com
Cc: Premier of Manitoba premier@manitoba.ca



Good day,

Please see attached letter sent on behalf of Honourable Ian Bushie, Minister of Municipal and Northern Relations and Minister of Indigenous Economic Development. No hard copy to follow.

Thank you,
Correspondence Team to the Honourable Ian Bushie
Minister of Municipal and Northern Relations
Minister of Indigenous Economic Development
301-450 Broadway Winnipeg MB R3C 0V8
Ph: 945-3788
Please note room number and phone number changed***



**Minister of Municipal and Northern Relations
Minister of Indigenous Economic Development**

Legislative Building, Winnipeg, Manitoba R3C 0V8 CANADA

January 26, 2024

John Scott Wintrup
Professional Planner
John Scott Wintrup Planning & Development
jwintrup@me.com

Dear Scott Wintrup:

I am writing in response to your November 1 and November 21, 2023, letters to The Honourable Wab Kinew, Premier of Manitoba, regarding Tochal Lands Development Group Inc.'s St. Norbert residential development. As the Minister responsible for Indigenous Economic Development, I am pleased to respond on behalf of Manitoba. Thank you for bringing this development to our attention.

I would like to acknowledge Tochal Developments' willingness to continue to allow Indigenous individuals to use the land on an interim basis to practice ceremonial and cultural traditions, as well as the willingness to work with relevant parties to explore a more permanent arrangement that responds to the multiple interests in these lands, including the continuation of Indigenous ceremonial activities.

The Department of Sport Culture Heritage and Tourism has information about the ongoing heritage related concerns on these lands. I encourage Tochal Developments to continue working with its heritage consultants to advance this work. Please contact the Archaeological Assessment Services Unit at hrb.archaeology@gov.mb.ca to discuss the next steps in this important process.

Once again, thank you for reaching out on this important issue.

Sincerely,



Honourable Ian Bushie
Minister

c. The Honourable Wab Kinew, Premier of Manitoba

This is **Exhibit "H"** referred to in the
Supplementary Affidavit of
John Wintrup sworn before me
this 3rd day of January, 2025



Kevin D. Toyne

A Barrister-at-law entitled to practice
in and for the Province of Manitoba



JOHN SCOTT WINTRUP
PLANNING & DEVELOPMENT



January 29, 2024

The Honourable Steven Guilbeault, P.C., M.P.
Minister of Environment and Climate Change

Dear Minister:

RE St. Norbert Mass Graves

Thank you for your correspondence dated December 20, 2023.

The finding of one of Canada's more significant unmarked mass graves of Indigenous children created by an institution in the 20th Century in St. Norbert, Manitoba, has historical and cultural significance. Tochal is not equipped to address our findings without leadership and guidance in culturally specific ways to recognize the wrongs of the past appropriately.

The Assembly of Manitoba Chiefs [AMC] has been notified and has graciously agreed to ensure the proper cultural ceremonies and recognition of these past atrocities at L'Aisle Ritchot Orphanage in St. Norbert, Manitoba. The AMC has been authorized to release the research study Tochal voluntarily commissioned that identifies the mass graves in St. Norbert. Tochal will provide access to the lands as the AMC deems culturally appropriate. Tochal will set aside two acres of their lands where the mass graves are located for further research and consultation with the AMC on the next steps. Tochal and I will continue to work with the AMC to ensure appropriate actions are taken towards the healing so many deserve.

The landowner and I offer our sympathies for the thousands of Métis, Inuit, and Aboriginal children whose remains have been recorded in the unmarked St. Norbert mass graves. We express our thanks to the AMC and Grand Chief Cathy Merrick for the firm, resolute, and significant efforts in leading the acknowledgement of un-marked Indigenous graves in Manitoba and look forward to continuing our collaboration on the St. Norbert mass graves. Any assistance the Federal Government wishes to provide will be welcomed.

Yours sincerely,

John Scott Wintrup, B.A. (Hons), M.Sc.Pl., MCIP, RPP, AICP, CNU-A, LEED® Green Associate™
301-139 Roslyn RD Winnipeg MB R3L0G7



JOHN SCOTT WINTRUP
PLANNING & DEVELOPMENT



January 29, 2024

Honourable Ian Bushie
Minister of Municipal and Northern Relations
Minister of Indigenous Economic Development
Legislative Building
Winnipeg, MB, R3C 0V8

Dear Minister:

RE St. Norbert Mass Graves

Thank you for your correspondence dated January 26.

The finding of one of Canada's more significant unmarked mass graves of Indigenous children created by an institution in the 20th Century has historical and cultural significance. Tochal is not equipped to address our findings without leadership and guidance in culturally specific ways to recognize the wrongs of the past appropriately.

The Assembly of Manitoba Chiefs [AMC] has been notified and has graciously agreed to ensure the proper cultural ceremonies and recognition of these past atrocities at L'Aisle Ritchot Orphanage in St. Norbert, Manitoba. The AMC has been authorized to release the research study Tochal voluntarily commissioned that identifies the mass graves in St. Norbert. Tochal will provide access to the lands as the AMC deems culturally appropriate. Tochal will set aside two acres of their lands where the mass graves are located for further research and consultation with the AMC on the next steps. Tochal and I will continue to work with the AMC to ensure appropriate actions are taken towards the healing so many deserve.

The landowner and I offer our sympathies for the thousands of Métis, Inuit, and Aboriginal children whose remains have been recorded in the unmarked St. Norbert mass graves. We express our thanks to the AMC and Grand Chief Cathy Merrick for the firm, resolute, and significant efforts in leading the acknowledgement of un-marked Indigenous graves in Manitoba and look forward to continuing our collaboration on the St. Norbert mass graves.

Yours sincerely,


John Scott Wintrup, B.A. (Hons), M.Sc.Pl., MCIP, RPP, AICP, CNU-A, LEED® Green Associate™
301-139 Roslyn RD Winnipeg MB R3L0G7

This is **Exhibit "I"** referred to in the
Supplementary Affidavit of
John Wintrup sworn before me
this 3rd day of January, 2025



Kevin D. Toyne

A Barrister-at-law entitled to practice
in and for the Province of Manitoba

From: Minister of Environment and Climate Change minecc@manitoba.ca 
Subject: Reply from the Honourable Steven Guilbeault, Minister of Environment and Climate Change - MIN 305661
Date: February 26, 2024 at 11:10 AM
To: jwintrup@me.com



Good morning,

On behalf of the Honourable Tracy Schmidt, Minister of Environment and Climate Change, I would like to acknowledge receipt of your email and attached letter to The Honourable Steven Guilbeault, Minister of Environment and Climate Change dated January 29, 2024.

Please be assured that your correspondence will be brought to the Minister's attention.

Thank you for sharing.

Sincerely,

Miranda Lawrence

Director of Ministerial Affairs to the Honourable Tracy Schmidt
Minister of Environment and Climate Change
Minister responsible for Efficiency Manitoba

Government of Manitoba | Gouvernement du Manitoba
Office: 204-945-3730 | Fax: 204-945-3586
344-450 Broadway, Winnipeg, Manitoba, R3C 0V8



We recognize our office is located on Treaty 1 Territory on the original lands of Anishanaabe, Cree, Oji-Cree, Dakota and Dene Peoples, and on the homeland of the Red River Metis Nation.

From: jwintrup@me.com <jwintrup@me.com>
Sent: Monday, January 29, 2024 4:25 PM
To: Ministre / Minister (ECCC) <ministre-minister@ec.gc.ca>
Cc: Minister of Environment and Climate Change <minecc@manitoba.ca>
Subject: M23-00002 Re: Reply from the Honourable Steven Guilbeault, Minister of Environment and Climate Change - MIN 305661

You don't often get email from jwintrup@me.com. [Learn why this is important](#)

Hi

Please see attached correspondence on this matter.

Thanks!

John Scott Wintrup, B.A. (Hons), M.Sc.Pl., MCIP, RPP, AICP, CNU-A, LEED® Green Associate™

Phone: (204) 799-7713

Website: <https://johnwintrup.com>

Linkedin: www.linkedin.com/in/john-s-wintrup

Address: 301-139 Roslyn RD Winnipeg MB R3L0G7

On Dec 20, 2023, at 10:36 AM, Ministre / Minister (ECCC) <ministre-minister@ec.gc.ca> wrote:

<SIGNED REPLY - Wintrup - MIN-305661.pdf><305661 - Wintrup - October 18, 2023.pdf>




.JOHN SCOTT WINTRUP



This is **Exhibit "J"** referred to in the
Supplementary Affidavit of
John Wintrup sworn before me
this 3rd day of January, 2025

Kevin D. Toyne

A Barrister-at-law entitled to practice
in and for the Province of Manitoba

From: +WPG574 - HRB Archaeology HRB.archaeology@gov.mb.ca 
Subject: RE: City of Winnipeg - DASZ 9/2024 - Tochal Lands & 823 Lemay St (Roll # 03091584500, 03091584600, 03030545100)
Date: May 10, 2024 at 11:23 AM
To: jwintrup@me.com
Cc: +WPG574 - HRB Archaeology HRB.archaeology@gov.mb.ca, Chabot, April April.Chabot@gov.mb.ca, Tsukamoto, Suyoko Suyoko.Tsukamoto@gov.mb.ca



Hello John,

Thank you for the submission of the archival report and heritage resource management plan for the proposed subdivision and development on the Tochal Lands.

Please see the attached Historic Resources Branch memorandum regarding the current proposal and the next steps for the Asile Ritchot Cemetery. We would also like to arrange a site visit with yourself and your heritage consultant, to further discuss the management of the cemetery grounds.

Reid Graham
Impact Assessment Archaeologist - Inter-Regional
Archaeological Assessment Services Unit
Historic Resources Branch
Sport, Culture, Heritage, & Tourism - Government of Manitoba
e. Reid.Graham@gov.mb.ca
c. (204)-451-7034 (0830-1630, M-F)
213 Notre Dame Avenue
Winnipeg, MB R3B 1N3

From: jwintrup@me.com <jwintrup@me.com>
Sent: Tuesday, April 9, 2024 1:10 PM
To: +WPG574 - HRB Archaeology <HRB.archaeology@gov.mb.ca>
Subject: City of Winnipeg - DASZ 9/2024 - Tochal Lands & 823 Lemay St (Roll # 03091584500, 03091584600, 03030545100)

You don't often get email from jwintrup@me.com. [Learn why this is important](#)

Hi

Attachments available until May 9, 2024

My name is John Wintrup, professional planner representing the land owner of the subject lands as described in the attached documents as the Tochal Lands & 823 Lemay St (Roll # 03091584500, 03091584600, 03030545100) located in St. Norbert, Winnipeg.

Previous representatives of the land owner have been in contact with your office over the past few years, namely, archaeologists retained by the Land Owner to complete research studies on the subject lands. These studies and findings have been previously provided to your office and are attached as follows:

1. HRIA_Heritage Permit A26_20 Report_20201023
2. Management Plan regarding the Aisle Ritchot cemetery for Tochal.Oct.5.2023
3. Aisle Ritchot Cemetery Research Final Report Nov.6.2023

This information has been voluntarily provided to the Provincial Government, including the Premier's office last fall - see attached correspondence from the Hon. Ian Bushie.

File DASZ 9/2024 is a development application with me as the Applicant that has been submitted to the City of Winnipeg for a proposed subdivision and rezoning on the subject

submitted to the City of Winnipeg for a proposed subdivision and rezoning on the subject lands.

Your branch typically is circulated by the City of Winnipeg on development applications, and provides responses to the City and the Applicant.

In anticipation of this circulation for File DASZ 9/2024 with a public hearing being held at the end of June, we are contacting your office directly on these matters to again solicit feedback.

A portion of the materials submitted to the City of Winnipeg for file DASZ 9/2024 is attached as '1 Letter of Intent TOCHAL 13 MARCH 2024 FINAL copy'.

Please feel free to contact me on these matters and/or share any information your office feels is relevant to these matters.

[Click to Download](#)

1 HRIA_Heritage Permit A26_20 Report_20201023.pdf
13.7 MB

[Click to Download](#)

2 Management Plan regarding the Aisle Ritchot cemetery for Tochal.Oct.5.2023.pdf
1.1 MB

[Click to Download](#)

3 Aisle Ritchot Cemetery Research Final Report Nov.6.2023.pdf
1.6 MB

[Click to Download](#)

Letter to John Scott Wintrup - Jan 26,2024.pdf
124 KB

[Click to Download](#)

1 Letter of Intent TOCHAL 13 MARCH 2024 FINAL copy.pdf
10.3 MB

John Scott Wintrup, B.A. (Hons), M.Sc.Pl., MCIP, RPP, AICP, CNU-A, LEED® Green Associate™

J.Wintrup Consulting Ltd.

Phone: (204) 799-7713

Website: <https://johnwintrup.com>

Linkedin: www.linkedin.com/in/john-s-wintrup

**AAS-24-21761_J_Wintrup
Consulting Ltd_DASZ 92024...**



A26-20_Redacted.pdf
1.5 MB



**HRB Heritage Consultants List
updated March 2024.pdf**





Sport, Culture, Heritage and Tourism

Historic Resources Branch

Main Floor, 213 Notre Dame Avenue, Winnipeg Manitoba, Canada R3B 1N3

T 204-945-2118 F 204-948-2384

www.manitoba.ca

May 10, 2024

Graham Environment Ltd.

84 Abingdon Crescent NE

Calgary, AB T2A 6S3

COPY

SUBJECT: Tochal Development Group Inc. Heritage Resources Impact Assessment. Heritage Permit A26-20, Final Report
Permit #: A26-20 **AAS File #: AAS-19-15560**
Date issued: 2023-05-20 **Consultant File #: Tochal**

Under the terms of Heritage Permit A26-20, the Archaeological Assessment Services Unit has reviewed the report *Tochal Development Group Inc. Heritage Resources Impact Assessment. Heritage Permit A26-20, Final Report.* (December 2020) electronically submitted by Graham Environmental Ltd. (hereinafter the Heritage Consultant) on behalf of Tochal Development Group Inc. (hereinafter the Client) to our office on December 14th, 2020. Revisions were requested on July 28th, 2022 and the revised report was submitted to our office on August 2nd, 2022.

The Historic Resources Branch (HRB) is satisfied by the scope of the field investigation and reporting undertaken by the Heritage Consultant that the Client has met the Heritage Resource Impact Assessment requirements under Section 12 (2) of *The Heritage Resources Act (1986)* for the development area described in the above-mentioned report.

The Historic Resources Branch is in general agreement with the 'Summary and Recommendations' made by the Heritage Consultant on page 36 of this report and the development may proceed as described with the provisions that:

- Further archival research is to be conducted and submitted to HRB, to assist the Branch in understanding the past use of the Asile Ritchot Cemetery (hereinafter the Cemetery) and serve to inform any future decisions. This archival research is to focus on:
 - the history and operation of the Cemetery;
 - the manner by which individuals were buried in the Cemetery; and
 - the potential deconsecrating of land and the exhumation of the burials in the Cemetery.
- The Client develops a Heritage Resource Management Plan (HRMP) that considers the proposed use of the Cemetery. This HRMP would be based on the results of the HRIA report and archival research and would consider:
 - Potential and appropriate land use of the cemetery;
 - Whether archaeological monitoring of ground disturbance in and around the Cemetery is necessary and, if so, identify the scope of said monitoring activities; and
 - The development of a Heritage Resource Protection Plan (HRPP), which would outline protocols for instances of found human remains specific to this parcel and the

Cemetery. The HRPP would also include appropriate contact information and protocol for reporting any incidental finds, as well as a plan for interment of any recovered human remains.


A Heritage Resource Management Plan (HRMP) provides an organizational and regulatory framework for managing heritage resources. These plans include how to identify and protect heritage resources within management boundaries, assess the potential for heritage resources that have not yet been identified within management boundaries, identify potential impacts to the resources, and provide management procedures and best practices to ensure the resources are preserved and managed appropriately, in compliance with provincial legislation and policy. For instances where the potential for human remains has been identified, a Heritage Covenant as per Section 21(1) of the Act may be required.

A Heritage Resource Protection Plan (HRPP) consists of operational procedures to limit damage or destruction of heritage resources. This document assists proponents, landowners, managers, employees, and/or contractors etc. by identifying what to do and whom to call should heritage resources accidentally be encountered when testing and development is underway on site. HRB may require that an acceptable heritage resource management strategy be implemented by the proponent/developer to mitigate the effects of their activity on the heritage resources.

If heritage resources are encountered during any phase of development by the applicant, their employees or contractors, the Archaeological Assessment Services Unit is to be contacted immediately. If human remains are encountered, the HRB and RCMP and/or local police department need to be immediately notified.

Should you have any further concerns or questions regarding this matter, please do not hesitate to contact the Archaeological Assessment Services Unit at (204) 945-2118.

Sincerely,



Vania Gagnon
Director

COPY

Enclosures: Heritage Resource Protection Plan template
Provisions Regarding Found Human Remains

cc: John Scott Wintrup Planning & Development 301-139 Roslyn RD Winnipeg MB R3L 0G7

DATE: 2024-05-10

TO: John Wintrup
John Scott Wintrup Planning & Development

FROM: Archaeological Assessment Services Unit
Historic Resources Branch
Manitoba Sport, Culture, Heritage and Tourism
Main Floor – 213 Notre Dame Avenue
Winnipeg, MB
R3B 1N3

T: (204) 945-2118 F: (204) 948-2384
e: HRB.archaeology@gov.mb.ca

SUBJECT: Heritage Screening of Tochal Lands St. Nobert Development Application(s)
AAS File AAS-24-21761
City of Winnipeg subdivision application DASZ 9-2024

Concerns

Further to your e-mail regarding the above noted application, the Manitoba Historic Resources Branch (HRB) has examined the locations in conjunction with Branch records for areas of potential concern. Notably, the development footprint contains the Asile Ritchot Cemetery (hereinafter the Cemetery).

There is reason to believe that the planned ground disturbance, activity, and/or development within the area has the potential to impact heritage resources and/or human remains, therefore, the Historic Resources Branch has concerns.

Based on the most recent site plan provided by Tochal Development Group, dated February 8th, 2024, the land set aside for the Cemetery is not sufficient to adequately protect the site. The current development plan conflicts with the Cemetery area, and the proposed project footprint will need to be modified to avoid impacting the Cemetery area.

Legislation

Under Section 12(2) of [The Heritage Resources Act](#) (the Act), if there is reason to believe that heritage resources or human remains upon or within or beneath lands are likely to be damaged or destroyed by any work, activity, development or project, then the Minister may require a proponent to apply for a heritage permit and conduct at his/her own expense, a heritage resource impact assessment (HRIA) and mitigation, prior to the project's start.

Under Section 12(2) of the Act, the minister may also require such other plans, documents, material and information, with respect to the work, activity, development or project, prior to commencement. Commonly required additional documents include Heritage Resource Protection Plans (HRPP) and Heritage Resource Management Plans (HRMP).

As per sections 46 and 51 of the Act, there is an obligation to report any heritage objects and/or human remains and a prohibition on destruction, damage or alteration of said resources, applicable to all persons or entities.

A Heritage Resource Impact Assessment (HRIA) is an assessment showing the impact that proposed work is likely to have upon heritage resources or human remains. HRIAs must be conducted by a qualified archaeological consultant under a heritage permit. A HRIA report is subject to review and approval by the Historic Resources Branch, and its recommendations and provisions may indicate

additional mitigation requirements. For instances where the potential for human remains has been identified, a Heritage Covenant as per Section 21(1) of the Act may be required.

A Heritage Resource Protection Plan (HRPP) consists of operational procedures to limit damage or destruction of heritage resources. This document assists proponents, landowners, managers, employees, and/or contractors etc. by identifying what to do and whom to call should heritage resources accidentally be encountered when testing and development is underway on site. HRB may require that an acceptable heritage resource management strategy be implemented by the proponent/developer to mitigate the effects of their activity on the heritage resources.

A Heritage Resource Management Plan (HRMP) provides an organizational and regulatory framework for managing heritage resources. These plans include how to identify and protect heritage resources within management boundaries, assess the potential for heritage resources that have not yet been identified within management boundaries, identify potential impacts to the resources, and provide management procedures and best practices to ensure the resources are preserve and managed appropriately, in compliance with provincial legislation and policy. For instances where the potential for human remains has been identified, a Heritage Covenant as per Section 21(1) of the Act may be required.

Summary of Work Completed To Date

A HRIA was conducted of the proposed property under Heritage Permit A26-20. The HRIA report was submitted to our office on December 14th, 2020. Revisions to the report were requested on July 28th, 2022 and the revised report was submitted to our office on August 2nd, 2022. Please see attached letter with provisions, formally closing the Heritage Permit associated with this report.

This work resulted in the identification of a cemetery associated with the Asile Ritchot. Established in 1903, Asile Ritchot was an orphanage operated by the Soeurs de la Miséricorde (Sisters of Mercy) until 1948. Over the 45 years of the orphanage's operation, an unknown number of children under the age of 5 died and were interred in the Cemetery, as were stillbirth babies associated with the Misericordia Hospital, and some lay and religious women who had been living at Aisle Ritchot. Based on archaeological and archival assessment completed under A26-20, this Cemetery is located within the lands proposed for development by Tochal Development Group Inc.

Based on the results of the HRIA and in discussion with the heritage consultant, HRB had identified provisions for additional archival research regarding the Cemetery and the development of a Heritage Resource Management Plan (HRMP), prior to any work on the site. The Archival Report, entitled "Asile Ritchot Cemetery Research for Tochal Development Group", and the HRMP, entitled "Tochal Development Management Plan for Asile Richot Cemetery", were submitted to HRB for review on April 10, 2024 by J.Wintrup Consulting Ltd. on behalf of Tochal Development Group Inc.

HRB's Review of the report entitled "Asile Ritchot Cemetery Research for Tochal Development Group"

The archival research was to be conducted and submitted to HRB to assist the Branch in understanding the past use of the Asile Ritchot Cemetery and to inform on appropriate use of the affected lands. The archival research was to focus on:

- the history and operation of the Cemetery including information on who would have been interred;

- the manner by which individuals were buried in the Cemetery; and
- the potential deconsecrating of land and the exhumation of the burials in the Cemetery.

The provided archival research does provide information regarding the history and operation of the Cemetery. Notably, the Cemetery was divided into 4 sections; one for the Soeurs de la Miséricorde, one for the mothers who died while at the facility, one for children whose families paid for private plots, and a fourth section for all other infants. This latter group were placed into annual communal graves.

Based on records from 1907 to 1918, a total of 1,500 individuals were buried in the Cemetery. This equates to an average of 136 burials per year over a period of 11 years, with 34 years for which no records were located through the research. The number of individuals who were buried within the Cemetery is likely much higher than that which is demonstrated through the records that were found.

HRB recognizes that it is not always possible to determine certain information from archival records. The archival report does not identify any details about how the individuals were buried, such as whether coffins or shrouds were used, orientation and depth of the graves, or what communities these individuals were from. The authors did attempt to research whether the Cemetery had been deconsecrated and the graves moved but were unable to conclude whether this occurred or not.

It is HRB's opinion that there is insufficient evidence that the Cemetery was deconsecrated and that all remains were exhumed and moved to another burial place. Unless proven otherwise, the individuals reported to be interred in the Cemetery are still expected to be located within the Cemetery grounds.

Further, even if the Cemetery had been deconsecrated and the remains removed in 1954, it is questionable whether all the individual burials were accounted for and removed. Moreover, research into historic burial patterns in cemeteries have shown that individual burials regularly occurred around the peripheries of formal cemetery boundaries, particularly when there were strict rules around whom could be interred within. There is a high probability that there are human remains within the former Cemetery grounds, as well as potential for human remains to be in the lands adjacent to the Cemetery grounds.

On page 15 of the Archival Report, the authors assert as a conclusion that “we do not know the location of the Cemetery.” This conclusion is made despite stone features associated the Cemetery gates and corner posts being identified during the HRIA. The authors' attempts to precisely locate the Cemetery are limited to one historic air photograph from 1938. However, there are multiple historic air photographs of the area available from other sources, such as the National Air Photo Library. Seemingly, the authors also did not consult or reference historic maps of the area, which also serve to illustrate the location of the Cemetery. Notably, the Cemetery is marked on the 62H14 map of the National Topographic System (NTS) of Canada map series. Published in 1970, this map shows the Cemetery clearly indicated as being located within the parcels under discussion.

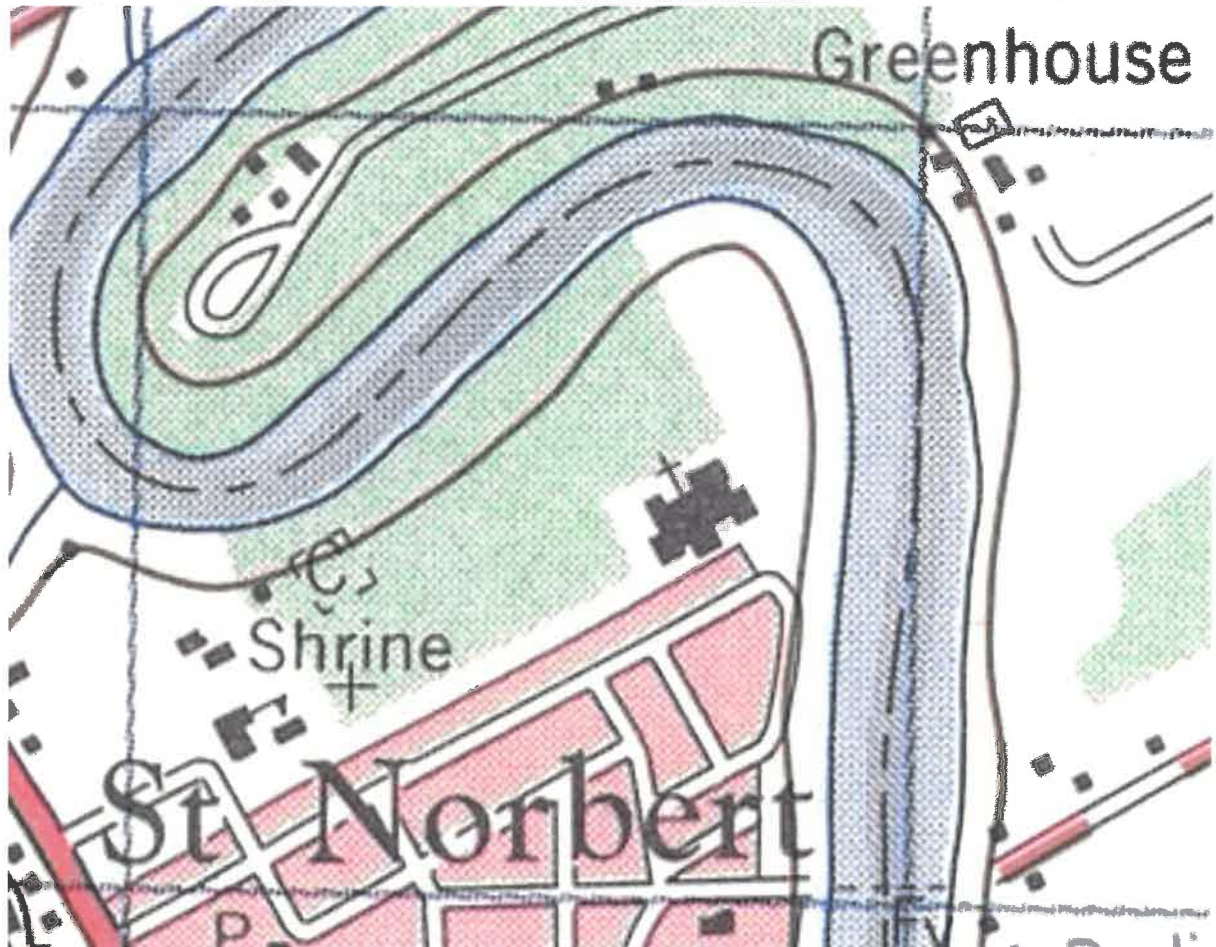


Figure 1: Excerpt from [1970 NTS map for 62H14](#). Mapping was developed from aerial photos taken in 1968.

The HRB rejects the interpretation that the location of the Cemetery is unknown. The authors of the archival report did not conduct a fulsome search of publicly available records. Analysis of LiDAR data, historic mapping, and the HRIA report findings serve to provide a known location of the Cemetery, within the lands proposed for development by Tochal Development Group Inc. As such, the concerns regarding the proposed land use of the Cemetery must be addressed prior to the commencement of any development or project.



Figure 2: LiDAR map (collected 2020), with parcel boundaries overlaid with Grotto Features from A26-20 report. LiDAR shows rectangular feature on landscape, divided into 4 quadrants. Large pits are visible on the east side of the rectangular feature. This feature aligns with location of Cemetery from 1970 NTS map and corresponds with the cemetery posts and gates identified during the A26-20 HRIA.

HRB’s Review of the report entitled "Tochal Development Management Plan for Asile Ritchot Cemetery"

The Heritage Resource Management Plan (HRMP) was to consider the proposed use of the Cemetery. This HRMP would be based on the results of the HRIA report and additional archival research and would consider:

- Potential and appropriate land use of the Cemetery;
- Whether archaeological monitoring of ground disturbance in and around the Cemetery is necessary and, if so, would identify the scope of said monitoring activities; and
- The development of a Heritage Resource Protection Plan (HRPP), which would outline protocols for instances of Found Human Remains specific to this parcel and the Cemetery. This HRPP would also include appropriate contact information and protocol for reporting any incidental finds, as well as a plan for interment of any recovered Human Remains.

The HRMP as provided is insufficient, as it is based on the assumption that the location of the Cemetery is not known. The results of the proponent's HRIA and Archival Reports, reviewed in conjunction with other available archival research and maps, demonstrate that the Cemetery is located within the lands proposed for development by Tochal Development Group. The HRMP and the proposed development application must be redesigned to address this, prior to any work on the subject lands.

Components to include in this revised HRMP are:

- A review of the proposed development against the area known to contain the Cemetery, with identification of components that cannot proceed due to conflict with the Cemetery area.
- The development of appropriate buffers around the Cemetery where no work is to occur, in consultation with HRB.
- An analysis of applicable archaeological methods to address the concerns for unmarked burials outside of the Cemetery, and a recommendation for the scope of said activities (i.e. distance from Cemetery to be searched, methods to be used, i.e.)
- The development of a Heritage Resource Protection Plan, for any incidental finds discovered during construction and/or archaeological monitoring. This plan is to provide details as to procedure and protocol for any human remains accidentally discovered on the property, and outline where said human remains are to be reinterred after excavation.

Next Steps

The proponent must contract a qualified Heritage Consultant to complete the HRMP and the HRPP. The Branch will work with the proponent's Heritage Consultant to draw up terms of reference for this project.

Please find attached an archaeological consultants' list for reference. Due diligence should be conducted in order to assess quotes, services, and timelines.

If you have any questions, please contact as above for proper assignment and queueing.

*Historic Resources Branch
Archaeological Assessment Services Unit*

Enclosures: List of heritage consultants



From: Graham, Reid Reid.Graham@gov.mb.ca
Subject: RE: Onsite meeting regarding Tochal Development
Date: May 17, 2024 at 9:14 AM
To: Mark Paxton-MacRae MarkPaxton-MacRae@peguis.ca
Cc: +WPG574 - HRB Archaeology HRB.archaeology@gov.mb.ca, Chabot, April April.Chabot@gov.mb.ca, Tochal Development Group Inc. Mazyar Yaya contact@tochalinc.com, John Wintrup jwintrup@me.com, Garth Sutton Archeologist@peguisfirstnation.ca, Nick Kuncewicz Archair@peguisfirstnation.ca, Bowen Thomas-Lundin BowenThomas-Lundin@peguisfirstnation.ca, Tsukamoto, Suyoko Suyoko.Tsukamoto@gov.mb.ca

Hi Mark,

It seems that Wednesday afternoon, May 22nd, would work best for us and the city. Does 1:30 pm work?

Last time we were on site in 2020, we met at the Laurate Academy and walked in from there. Can we use that access again, or do we need to approach the property from a different direction?

Let me know and I'll send the meeting invite.

Reid Graham
Impact Assessment Archaeologist - Inter-Regional
Archaeological Assessment Services Unit
Historic Resources Branch
Sport, Culture, Heritage, & Tourism - Government of Manitoba
e. Reid.Graham@gov.mb.ca
c. (204)-451-7034 (0830-1630, M-F)
213 Notre Dame Avenue
Winnipeg, MB R3B 1N3

From: Mark Paxton-MacRae <MarkPaxton-MacRae@peguis.ca>
Sent: Thursday, May 16, 2024 3:17 PM
To: Graham, Reid <Reid.Graham@gov.mb.ca>
Cc: +WPG574 - HRB Archaeology <HRB.archaeology@gov.mb.ca>; Chabot, April <April.Chabot@gov.mb.ca>; Tochal Development Group Inc. Mazyar Yaya <contact@tochalinc.com>; John Wintrup <jwintrup@me.com>; Garth Sutton <Archeologist@peguisfirstnation.ca>; Nick Kuncewicz <Archair@peguisfirstnation.ca>; Bowen Thomas-Lundin <BowenThomas-Lundin@peguisfirstnation.ca>; Tsukamoto, Suyoko <Suyoko.Tsukamoto@gov.mb.ca>
Subject: Re: Onsite meeting regarding Tochal Development

Thanks Reid.

Mark

Mark Paxton-MacRae
Agassiz-CRS
(204) 509-4757
paxton-macrae@agassiz-crs.ca
markpaxtonmacrae@peguisfirstnation.ca
mark.paxtonmacrae@gmail.com

From: Graham, Reid <Reid.Graham@gov.mb.ca>
Sent: 16 May 2024 3:01 PM
To: Mark Paxton-MacRae <MarkPaxton-MacRae@peguis.ca>

~~TO: Mark Paxton-MacRae <mark_paxtonmacrae@peguis.ca>~~
Cc: +WPG574 - HRB Archaeology <HRB.archaeology@gov.mb.ca>; Chabot, April <April.Chabot@gov.mb.ca>; Tochal Development Group Inc. Mazyar Yaya <contact@tochalinc.com>; John Wintrup <jwintrup@me.com>; Garth Sutton <Archeologist@peguisfirstnation.ca>; Nick Kuncewicz <Archair@peguisfirstnation.ca>; Bowen Thomas-Lundin <BowenThomas-Lundin@peguisfirstnation.ca>; Tsukamoto, Suyoko <Suyoko.Tsukamoto@gov.mb.ca>
Subject: RE: Onsite meeting regarding Tochal Development

Hi Mark,

I've blocked out those days in our calendar and we will get back to you about which day works best. Given the complexities of the heritage concerns, we will also be extending the invitation to some of our colleagues at the City of Winnipeg, so that we can all be on the same page about next steps regarding the cemetery.

Reid Graham
Impact Assessment Archaeologist - Inter-Regional
Archaeological Assessment Services Unit
Historic Resources Branch
Sport, Culture, Heritage, & Tourism - Government of Manitoba
e. Reid.Graham@gov.mb.ca
c. (204)-451-7034 (0830-1630, M-F)
213 Notre Dame Avenue
Winnipeg, MB R3B 1N3

From: Mark Paxton-MacRae <MarkPaxton-MacRae@peguis.ca>
Sent: Thursday, May 16, 2024 12:16 PM
To: Tochal Development Group Inc. Mazyar Yaya <contact@tochalinc.com>; John Wintrup <jwintrup@me.com>; Garth Sutton <Archeologist@peguisfirstnation.ca>; Nick Kuncewicz <Archair@peguisfirstnation.ca>; Bowen Thomas-Lundin <BowenThomas-Lundin@peguisfirstnation.ca>; Graham, Reid <Reid.Graham@gov.mb.ca>; Tsukamoto, Suyoko <Suyoko.Tsukamoto@gov.mb.ca>
Subject: Onsite meeting regarding Tochal Development

Hello all;

We need to have an onsite meeting with all concerned parties. There are several concerns with the heritage of the site. We suggest Wednesday, May 22nd to Friday, May 24th for a meeting at the development site.

Please let me know if these dates work for you and we will make the final arrangements. Please feel free to forward this to other concerned parties.

Thanks,

Mark

Mark Paxton-MacRae
Agassiz-CRS
(204) 509-4757
paxton-macrae@agassiz-crs.ca
markpaxtonmacrae@peguisfirstnation.ca
~~mark_paxtonmacrae@gmail.com~~

mark.paxtonmacrae@gmail.com

From: Graham, Reid Reid.Graham@gov.mb.ca 
Subject: Onsite meeting regarding Tochal Development
Date: May 17, 2024 at 2:11 PM

To: jwintrup@me.com, Mark Paxton-MacRae MarkPaxton-MacRae@peguis.ca, Tsukamoto, Suyoko Suyoko.Tsukamoto@gov.mb.ca, Chabot, April April.Chabot@gov.mb.ca, Romano, Brittany Brittany.Romano@gov.mb.ca, Ricci, Rina RRicci@winnipeg.ca
Cc: Tochal Development Group Inc. Mazyar Yaya contact@tochalinc.com, Garth Sutton Archeologist@peguisfirstnation.ca, Nick Kuncewicz Archair@peguisfirstnation.ca, Bowen Thomas-Lundin BowenThomas-Lundin@peguisfirstnation.ca, Peterson, Murray mpeterson@winnipeg.ca

RG

On Site meeting to discuss development around Asile Richot cemetery. We can meet at 1:30 pm and walk into the property.

Meeting point - Ave de la Digue at Rue Landry
<https://maps.app.goo.gl/8rdxb28XUoZj7o7g7>

From: jwintrup@me.com <jwintrup@me.com>
Sent: Friday, May 17, 2024 12:07 PM
To: Mark Paxton-MacRae <MarkPaxton-MacRae@peguis.ca>
Cc: Tochal Development Group Inc. Mazyar Yaya <contact@tochalinc.com>; Garth Sutton <Archeologist@peguisfirstnation.ca>; Nick Kuncewicz <Archair@peguisfirstnation.ca>; Bowen Thomas-Lundin <BowenThomas-Lundin@peguisfirstnation.ca>; Graham, Reid <Reid.Graham@gov.mb.ca>; Tsukamoto, Suyoko <Suyoko.Tsukamoto@gov.mb.ca>
Subject: Re: Onsite meeting regarding Tochal Development

Hi

Starting location for pedestrian access to the subject lands is from Ave de la Digue at Rue Landry, just south of 35 Ave de la Digue and 658 feet east of Pembina Hwy, see attached map.

There is on-street parking along Rue Landry and Lemay, not Ave de la Digue.

Perhaps we can meet at the starting location - by the yellow barricade signs - and walk east across the City Owned Lands behind 919 - 939 Lemay to the Tochal Lands access gates [see picture] on the west side of the property, and then north to the former cemetery site. [Tochal has an access agreement with the City to cross their lands].

The walk will require crossing a lumpy but general flat terrain, and then down a slight gradient to the forrest area.

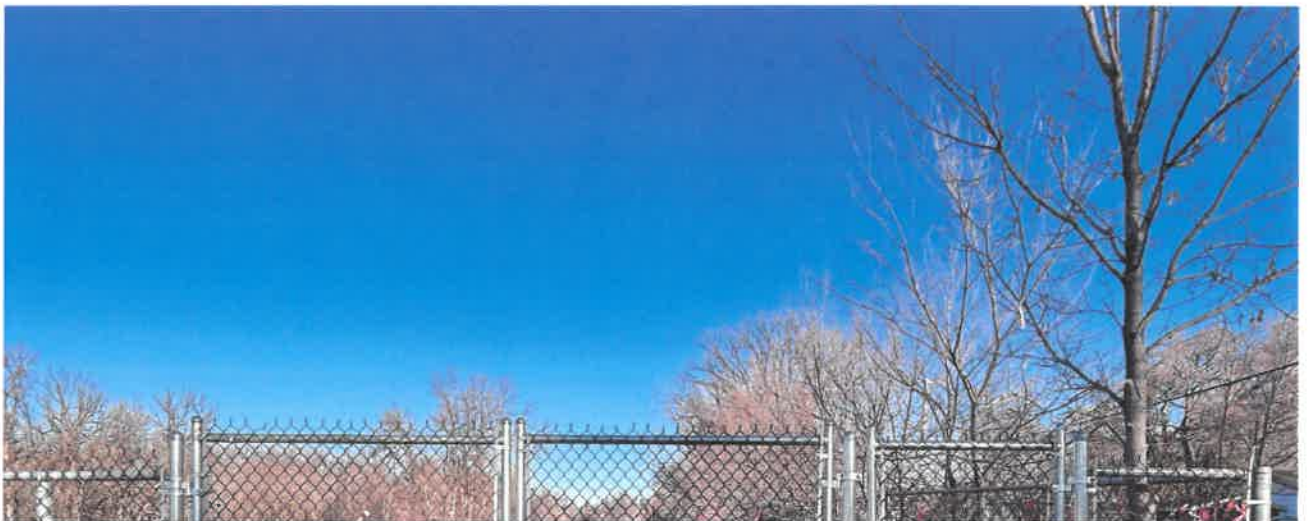
John Scott Wintrup, B.A. (Hons), M.Sc.Pl., MCIP, RPP, AICP, CNU-A, LEED® Green Associate™

J.Wintrup Consulting Ltd.

Phone: (204) 799-7713

Website: <https://johnwintrup.com>

Linkedin: www.linkedin.com/in/john-s-wintrup





On May 16, 2024, at 1:15 PM, Mark Paxton-MacRae <MarkPaxton-MacRae@peguis.ca> wrote:

Hello all;

We need to have an onsite meeting with all concerned parties. There are several concerns with the heritage of the site. We suggest Wednesday, May 22nd to Friday, May 24th for a meeting at the development site.

Please let me know if these dates work for you and we will make the final arrangements. Please feel free to forward this to other concerned parties.

Thanks,

Mark

Mark Paxton-MacRae
Agassiz-CRS
(204) 509-4757
paxton-macrae@agassiz-crs.ca
markpaxtonmacrae@peguisfirstnation.ca
mark.paxtonmacrae@gmail.com



This is **Exhibit "K"** referred to in the
Supplementary Affidavit of
John Wintrup sworn before me
this 3rd day of January, 2025

Kevin D. Foyne

A Barrister-at-law entitled to practice
in and for the Province of Manitoba

From: Graham, Reid Reid.Graham@gov.mb.ca
Subject: RE: Tochal Development HRPP
Date: June 12, 2024 at 2:16 PM
To: John Wintrup jwintrup@me.com, Chabot, April April.Chabot@gov.mb.ca
Cc: Mark Paxton-MacRae MarkPaxton-MacRae@peguis.ca



Hi John,

1) do any of these neighbours also need a management plan?

Typically the management plans are for developments/proponents that are planning multi-year projects or have a particular environmental license. A good example would be MB Hydro. Simple projects may only need a basic HRPP, where as if something is discovered, our branch and policies will take over. Larger projects with multiple stakeholders require a more detailed plan than what our basic HRPP template provides. Your management plan is only focused on what is occurring on your lands, even if the buffers extend outside of the property lines.

2) Does Tochal have a legal obligation to disclose that these other properties may also have unmarked graves and need a management plan?

Short answer, no. The City has their own internal process that handles situations like these, and we will be working with them on the affected infrastructure and properties that are adjacent to the cemetery. You do have a legal obligation to report to HRB any heritage objects or human remains you find, as per Section 46 of the Heritage Resources Act.

Reid Graham
Impact Assessment Archaeologist - Inter-Regional
Archaeological Assessment Services Unit
Historic Resources Branch
Sport, Culture, Heritage, & Tourism - Government of Manitoba
e. Reid.Graham@gov.mb.ca
c. (204)-451-7034 (0830-1630, M-F)
213 Notre Dame Avenue
Winnipeg, MB R3B 1N3

From: John Wintrup <jwintrup@me.com>
Sent: Friday, June 7, 2024 3:24 PM
To: Graham, Reid <Reid.Graham@gov.mb.ca>; Chabot, April <April.Chabot@gov.mb.ca>
Cc: Mark Paxton-MacRae <MarkPaxton-MacRae@peguis.ca>
Subject: Re: Tochal Development HRPP

Hi

Thanks for the participation in the on-site meeting a couple of weeks ago.

Mark has provided a draft management plan, we are hoping to get feedback on this by HRB in the next couple of weeks. The public hearing for the development is June 24 and we want to ensure accurate information on this is available, should any

questions arise.

One question that may arise is the neighbours lands potential impacted by the research findings.

The information so far indicates the former cemetery is also on City Owned lands.

The orange and yellow buffers extends onto 35 de la Digue (including a city owned infrastructure, the St. Norbert Lift station slated to be re-built soon); and City Owned lands.

Not sure if you are aware but at one time, when the cemetery and communal graves were being dug and used - all of these lands were under one ownership. This also included the rear yards of our neighbours to the south for the houses fronting on Lemay (in the late 1980's, the Les Oblats transferred lands to the home owners to make the rear yards deeper). These rear yards are similar to our 'green zone' where a management plan is needed first before we put anything in the ground or remove tree stumps.

My questions:

1) do any of these neighbours also need a management plan?

2) Does Tochal have a legal obligation to disclose that these other properties may also have unmarked graves and need a management plan?

Last year, we self-disclosed our findings of the unmarked graves to all 3 levels of government, the Manitoba Métis Federation and the Assembly of Manitoba Chiefs.

Let us know the next steps on this notification process.

Thanks for your assistance.

John S. Wintrup, B.A. (Hons), M.Sc.Pl., MCIP, RPP, AICP, CNU-A, LEED® Green Associate™

J.Wintrup Consulting Ltd.

[301-139 Roslyn RD Winnipeg MB R3L0G7](#)

[204.799.7713](tel:204.799.7713) | jwintrup@me.com

On May 31, 2024, at 6:18 PM, Mark Paxton-MacRae <MarkPaxton-MacRae@peguis.ca> wrote:

Hello;

Attached is a draft management plan for the Tochal Development project. Please feel free to contact me at any time with questions or concerns. This plan has also been forwarded to the relevant HRB staff.

Thanks,

Mark

Mark Paxton-MacRae

Agassiz-CRS

(204) 509-4757

paxton-macrae@agassiz-crs.ca

markpaxtonmacrae@peguisfirstnation.ca

mark.paxtonmacrae@gmail.com

<Tochal management plan.pdf>

From: jwintrup@me.com
Subject: Re: Tochal Development HRPP
Date: June 20, 2024 at 9:10 AM
To: Graham, Reid Reid.Graham@gov.mb.ca
Cc: Chabot, April April.Chabot@gov.mb.ca, Mark Paxton-MacRae MarkPaxton-MacRae@peguis.ca



Hi

Thanks for the information.

We would like to start preparing the grounds for the next steps, the non-intrusive surveying.

Has your team completed a sweep on the ground for identify any surface artefacts? Just let me know - you and your team are welcomed anytime to enter the property [at your own risk] to continue examination of the grounds.

John Scott Wintrup

On Jun 12, 2024, at 2:16 PM, Graham, Reid <Reid.Graham@gov.mb.ca> wrote:

Hi John,

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Typically the management plans are for developments/proponents that are planning multi-year projects or have a particular environmental license. A good example would be MB Hydro. Simple projects may only need a basic HRPP, where as if something is discovered, our branch and policies will take over. Larger projects with multiple stakeholders require a more detailed plan than what our basic HRPP template provides. Your management plan is only focused on what is occurring on your lands, even if the buffers extend outside of the property lines.

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Reid Graham
Impact Assessment Archaeologist - Inter-Regional
Archaeological Assessment Services Unit
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e. Reid.Graham@gov.mb.ca
c. (204)-451-7034 (0830-1630, M-F)
213 Notre Dame Avenue
Winnipeg, MB R3B 1N3

From: John Wintrup <jwintrup@me.com>
Sent: Friday, June 7, 2024 3:24 PM
To: Graham, Reid <Reid.Graham@gov.mb.ca>; Chabot, April <April.Chabot@gov.mb.ca>
Cc: Mark Paxton-MacRae <MarkPaxton-MacRae@peguis.ca>
Subject: Re: Tochal Development HRPP

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Mark has provided a draft management plan, we are hoping to get feedback on this by HRB in the next couple of weeks. The public hearing for the development is June 24 and we want to ensure accurate information on this is available, should any questions arise.

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Let us know the next steps on this notification process.

Thanks for your assistance.

John S. Wintrup, B.A. (Hons), M.Sc.Pl., MCIP, RPP, AICP, CNU-A, LEED[™] Green Associate[™]

J.Wintrup Consulting Ltd.

301-139 Roslyn RD Winnipeg MB R3L0G7

204.799.7713 | jwintrup@me.com

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Thanks,

Mark

Mark Paxton-MacRae
Agassiz-CRS
(204) 509-4757
paxton-macrae@agassiz-crs.ca
markpaxtonmacrae@peguisfirstnation.ca
mark.paxtonmacrae@gmail.com
<Tochal management plan.pdf>

This is **Exhibit "L"** referred to in the
Supplementary Affidavit of
John Wintrup sworn before me
this 3rd day of January, 2025

Kevin D. Toyne

A Barrister-at-law entitled to practice
in and for the Province of Manitoba



From: Mark Paxton-MacRae MarkPaxton-MacRae@peguis.ca
Subject: Re: Tochal Development HRPP
Date: June 12, 2024 at 2:05 PM
To: Graham, Reid Reid.Graham@gov.mb.ca, John Wintrup jwintrup@me.com
Cc: Chabot, April April.Chabot@gov.mb.ca, +WPG574 - HRB Archaeology HRB.archaeology@gov.mb.ca

Hello Reid;

Thanks for the review and required changes. I will make those changes and send this back to you this week.

Talk to you soon,

Mark

Mark Paxton-MacRae
 Agassiz-CRS
 (204) 509-4757
 paxton-macrae@agassiz-crs.ca
 markpaxtonmacrae@peguisfirstnation.ca
 mark.paxtonmacrae@gmail.com

From: Graham, Reid <Reid.Graham@gov.mb.ca>
Sent: 12 June 2024 1:58 PM
To: Mark Paxton-MacRae <MarkPaxton-MacRae@peguis.ca>; John Wintrup <jwintrup@me.com>
Cc: Chabot, April <April.Chabot@gov.mb.ca>; +WPG574 - HRB Archaeology <HRB.archaeology@gov.mb.ca>
Subject: RE: Tochal Development HRPP

Hi Mark and John,

Please see the following table for revisions to the HRMP. There is some broad restructuring of the HRMP we would like to see, as well as some clarifications on a couple points.

Revision #	Section	PDF page	Issue	Revision
1	HRMP	N/A	Structure needs reordering	Move the Management Plan portion (i.e. all the sections Upcoming archaeological/heritage research) to right after the introduction. Rationale: The HRMP is an overarching document that will last the duration of the project. The HRPP is a procedure within that HRMP that adheres to the various federal, provincial, and municipal laws and policies that apply. Ideally the HRPP portion should be an appendix or a separate document at the end so that it can be easily referenced by any workers on the ground.
2	Introduction	2	Mass Graves	replace with communal graves and make consistent throughout. Rationale: While these terms are generally synonymous, the term "mass grave" carries a lot of baggage, as has implications under UN law. We will want to steer clear of that association
3	Introduction	3	"St. Norbert was originally a Métis settlement, and the potential exists for many of the children interred in the cemetery to be of Métis ancestry."	While St Norbert has a long French-Canadian and Metis History, this cemetery and the Aisle Richot served the broader Winnipeg population as an extension of the Misericordia Hospital. HRB expects that the demographic make up of the individuals interred in the cemetery would reflect the general population of the lower and middle classes of Winnipeg, rather than a specific cultural group. Either remove this sentence or restructure this section to acknowledge the broader demographic make of the cemetery.
4	Purposes of HRPP - Preventative Action	3	Steps 2 and 3	Revise to include that the heritage consultant be notified as well as HRB. These two also seem to be repeated
5	Purposes of HRPP - Preventative Action	3	"It is possible that mothers or families whose infants did not survive could have privately buried their children outside the boundaries of the cemetery. Infant remains are very fragile and can be very difficult to identify. For this reason, caution must be taken at all times. Any bone that is encountered must be treated as potentially human. For this reason, we advise that an archaeologist or monitor be on site for all ground disturbances, including grubbing of trees, trenching for utilities, etc."	This is a recommendation and should be moved into the overall HRMP discussion and out of the HRPP portion of the proposal. Note that archaeological monitoring is to be completed by a qualified heritage consultant under a permit issued by HRB

6	Purposes of HRPP - Preventative Action	3	"During the site visit, bones left over from modern use of the land were noted on the ground. Deer frequent the area and the remains of deer were noted as well. We recommend that the project's footprint be cleared by archaeologists and Indigenous Monitors of this material prior to the commencement of construction to prevent false positives that would slow down construction."	<p>This is a recommendation and should be moved into the overall HRMP discussion and out of the HRPP portion of the proposal.</p> <p>HRB agrees with this recommendation, and the HRMP should include how this bone will be identified and documented, and where this bone will be disposed of. What we want to avoid is rumours in the community of bone being secretly thrown away. The process should be transparent and include photo documentation of what is being removed.</p>
7	Purposes of HRPP - Preventative Action	4	"Reporting potential artifacts or human remains is critically important, even if accidentally uncovered. Some heritage objects can be several thousand years old. At the Tochal Development, the potential for the remains of children cannot be discounted, even outside the boundary of the cemetery. For this reason, even small amounts of bone must be dealt with as if they are human remains."	<p>This is a recommendation and should be moved into the overall HRMP discussion and out of the HRPP portion of the proposal.</p>
8	Purposes of HRPP - Preventative Action	4	"As well, the potential for deeply buried archaeological sites cannot be discounted. A prior Heritage Resource Impact Assessment did not encounter any evidence of this, but we would recommend that monitoring of all ground disturbances take place for the duration of this portion of construction activities."	<p>This is a recommendation and should be moved into the overall HRMP discussion and out of the HRPP portion of the proposal.</p> <p>See Green Zone comment below regarding HRB requirements for archaeological monitoring</p>
9	What to expect after notification for possible found human remains:	5	Several locations are being discussed, including but not limited to	<p>If the plan is reinter within the current property, then reinterment site should be identified in the HRMP with a map. It may be simplest to reinter in an area just immediately south of the cemetery in the Grotto. However, if that is the plan, the reinterment site will need to be tested prior and the area appropriately marked out.</p> <p>If the City is willing to provide space within one of their managed cemeteries, then you would need to confirm with them.</p>
10	Mapping and Archaeological Investigations	8	Figure 1 Map	<p>For the purposes of this zonal map, the HRMP, and any following agreements, we will need to establish what the boundary of the cemetery is, as we currently know it. It may change depending on the result of the drone flights and any subsequent work, but we need to pinpoint these zones for planning.</p> <p>The AASU noted during our site visit that there are metal poles in the corners of the cemetery grounds. The AASU proposes to use these metal poles as the corners of the known cemetery, and that the 50m and 100m buffers be measured from these locations. The AASU has coordinates for these locations, but consumer grade GPS typically have +/-5 or 10 m range of error depending on the conditions. We recommend that Tochal professionally survey in these landmarks, so that they can serve as the basis of the zonal maps. The AASU can attend to assist with the surveyors.</p>
11	50m Buffer/Testing Area	8	50m Buffer/Testing Area	<p>The AASU expects that the 0 to 50 m area from the edge of the known cemetery will be set aside as an appropriate buffer, and that no work will occur with these lands. This would include any tree removal, grubbing, and or any other work that could cause ground disturbance. This would also be the area to be used in the Heritage Covenant.</p> <p>If the UAV flights identify any anomalies within this 0 to 50m zone, the decision to test the anomalies will be a case-by-case basis as determined by the AASU.</p>
12	100m Buffer/Testing Area	8	100m Buffer/Testing Area	<p>The AASU expects that any anomalies or areas of interest identified within the 50 to 100m zone be tested prior to any work occurring within this zone. If all testing is negative, any ground disturbing work, including but not limited to grubbing, trenching, utilities, etc. will be monitored by a qualified heritage consultant.</p>
13	Green Zone	9	"The green zone is the remainder of the footprint of this project. We recommend	<p>Based on the results of the HRIA, the AASU will not be requiring archaeological monitoring for work outside of the 100m buffer of the cemetery, i.e. the Green Zone. If the proponent wishes, they can make</p>

			monitoring for all ground disturbance phases of the project."	
--	--	--	---	--

				an accommodation to stakeholder groups and have monitors on site during excavation/construction as a precaution.
--	--	--	--	--

Reid Graham
Impact Assessment Archaeologist - Inter-Regional
Archaeological Assessment Services Unit
Historic Resources Branch
Sport, Culture, Heritage, & Tourism - Government of Manitoba
e. Reid.Graham@gov.mb.ca
c. (204)-451-7034 (0830-1630, M-F)
213 Notre Dame Avenue
Winnipeg, MB R3B 1N3

From: Mark Paxton-MacRae <MarkPaxton-MacRae@peguis.ca>
Sent: Friday, May 31, 2024 6:18 PM
To: John Wintrup <jwintrup@me.com>
Cc: Graham, Reid <Reid.Graham@gov.mb.ca>; Chabot, April <April.Chabot@gov.mb.ca>
Subject: Tochal Development HRRP

Hello;

Attached is a draft management plan for the Tochal Development project. Please feel free to contact me at any time with questions or concerns. This plan has also been forwarded to the relevant HRB staff.

Thanks,

Mark

Mark Paxton-MacRae
Agassiz-CRS
(204) 509-4757
paxton-macrae@agassiz-crs.ca
markpaxtonmacrae@peguisfirstnation.ca
mark.paxtonmacrae@gmail.com

This is **Exhibit "M"** referred to in the
Supplementary Affidavit of
John Wintrup sworn before me
this 3rd day of January, 2025



Kevin D. Toyne

A Barrister-at-law entitled to practice
in and for the Province of Manitoba

From: Garth Sutton Archeologist@peguisfirstnation.ca
Subject: Re: Revised Tochal Development HRPP
Date: June 14, 2024 at 9:50 AM



To: Mark Paxton-MacRae MarkPaxton-MacRae@peguis.ca, John Wintrup jwintrup@me.com, +WPG574 - HRB Archaeology HRB.archaeology@gov.mb.ca, Reid Graham Reid.Graham@gov.mb.ca, Chabot, April April.Chabot@gov.mb.ca
Cc: Heather McCorrister SpecialProj.ExecAsst@peguis.ca, Bowen Thomas-Lundin BowenThomas-Lundin@peguisfirstnation.ca, Mike Sutherland SpecialProj.Director@peguis.ca, Nick Kuncewicz Archair@peguisfirstnation.ca

That looks good

Sent from my Bell Samsung device over Canada's largest network.

From: Mark Paxton-MacRae <MarkPaxton-MacRae@peguis.ca>
Sent: Thursday, June 13, 2024 4:33:37 PM
To: John Wintrup <jwintrup@me.com>; +WPG574 - HRB Archaeology <HRB.archaeology@gov.mb.ca>; Reid Graham <Reid.Graham@gov.mb.ca>; Chabot, April <April.Chabot@gov.mb.ca>
Cc: Heather McCorrister <SpecialProj.ExecAsst@peguis.ca>; Garth Sutton <Archeologist@peguisfirstnation.ca>; Bowen Thomas-Lundin <BowenThomas-Lundin@peguisfirstnation.ca>; Mike Sutherland <SpecialProj.Director@peguis.ca>; Nick Kuncewicz <Archair@peguisfirstnation.ca>
Subject: Revised Tochal Development HRPP

Hello;

Please find attached a revised version of the Tochal Development HRPP, with changes made as requested by the HRB. If there are any questions or concerns, please feel free to contact me at any time at the email addresses and phone number below.

Thank you;

Mark

Mark Paxton-MacRae
Agassiz-CRS
(204) 509-4757
paxton-macrae@agassiz-crs.ca
markpaxtonmacrae@peguisfirstnation.ca
mark.paxtonmacrae@gmail.com

This is **Exhibit "N"** referred to in the
Supplementary Affidavit of
John Wintrup sworn before me
this 3rd day of January, 2025



Kevin D. Toyne

A Barrister-at-law entitled to practice
in and for the Province of Manitoba



From: Lisa Muswagon lmuswagon@manitobachiefs.com
Subject: Re: Evidence of Unmarked Graves Findings - St Norbert
Date: December 6, 2023 at 3:44 PM
To: jwintrup@me.com
Cc: Melanie Everette meverette@manitobachiefs.com, Dennis White Bird dwhitebird@manitobachiefs.com, Tochal Development Group Inc. contact@tochalinc.com

Tansil Hello,

No problem. I appreciate your response. I also attached AMC Elder Dennis White Bird to this email thread and my supervisor Melanie Everette, Special Projects - Unmarked Graves. We will be in touch soon.

Ekosani! Thank you,

Lisa Muswagon
 Special Projects Policy Analyst - Unmarked Graves
 6th Floor - 275 Portage Avenue
 Winnipeg, MB R3B 2B3
 (431) 877-2807



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From: jwintrup@me.com <jwintrup@me.com>
Sent: Wednesday, December 6, 2023 2:34 PM
To: Lisa Muswagon <lmuswagon@manitobachiefs.com>
Cc: Melanie Everette <meverette@manitobachiefs.com>; Tochal Development Group Inc. <contact@tochalinc.com>
Subject: Re: Evidence of Unmarked Graves Findings - St Norbert

Hi

Thanks again for getting to back to us.

Confidentiality is not a concern for us right now.

The landowner and I are housing advocates.

Our vision for the lands is adding new, inclusionary housing.

However, we both feel strongly about doing the right thing here, which is far more important regardless of the impacts on our vision for the lands.

We look forward to cooperating with AMC and the next steps.

Let us know when we can meet next week.

John Scott Wintrup

On Dec 6, 2023, at 11:29 AM, Lisa Muswagon <lmuswagon@manitobachiefs.com> wrote:

Hello! Tansil

As per your last email, I want to inform you in confidence that there are currently active search teams on unmarked graves projects so we understand the complexity and importance of maintaining confidentiality. Through Manitoba's unmarked grave search projects, we are building frameworks and capacities with committees and other FN political organizations to help navigate the areas of unmarked graves for First Nations children who attended the Indian Residential Schools.

Because of the nature of the request, we also have protocols and processes to follow. Grand Chief Cathy Merrick is in Ottawa for the Assembly of First Nations Gathering and is scheduled to return on Thursday, December 8, 2023. We would like to schedule to meet with your groups as soon as possible upon her return. I also met with our elder Dennis Whitebird from the AMC Elder Council and the first order is to have a pipe ceremony as soon as possible to honor and acknowledge the spirit of our ancestors in these unmarked graves. What that looks like, we are currently informing the elder's council who will advise us how the ceremony should take place. I will have that information over the next day or two.

We take this matter very seriously as every child matters and no child should be left behind. Once I receive updates, I will keep you posted. If you have any questions, please feel free to contact.

Ekosani! Thank You!

Lisa Muswagon
 Special Projects Policy Analyst
 6th Floor - 275 Portage Avenue
 Winnipeg, MB R3B 2B3
 (431)877-2807

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From: jwintrup@me.com <jwintrup@me.com>
Sent: Friday, December 1, 2023 6:31 PM
To: Lisa Muswagon <lmuswagon@manitobachiefs.com>
Cc: Melanie Everette <meverette@manitobachiefs.com>; Tochal Development Group Inc. <contact@tochalinc.com>
Subject: Re: Evidence of Unmarked Graves Findings - St Norbert

Hi Lisa,

Thank you for responding.

Extremely grateful for your guidance on this matter and greatly appreciate assistance from your office.

The landowner and I perceive the possibility of un-marked Indigenous mass graves of children on the former lands owned by the residential school teachers and perpetrators of sex assault as being important to acknowledge with respect and dignity.

We are taking steps to erect signage and temporary fencing to restrict the general public from accessing one of the plausible locations of the mass graves. The other locations are outside our scope of ownership.

More should be done here, not certain what.

Especially concerning is when this information is shared with the public, it may cause trauma for families and survivors. But by not sharing this information the harm done in the past by others will be compounded and will continue to harm others.

Let us know what else we can do over the next 7-10 days that is the right steps to recognize this situation and help those who have been harmed in the past.

John Scott Wintrup, B.A. (Hons), M.Sc.Pl., MCIP, RPP, AICP, CNU-A, LEED® Green Associate™
J.Wintrup Consulting Ltd.
Phone: (204) 799-7713
Website: <https://johnwintrup.com>
Twitter: @jwinUP
LinkedIn: www.linkedin.com/in/john-s-wintrup
Address: 301-139 Roslyn RD Winnipeg MB R3L0G7

On Dec 1, 2023, at 3:33 PM, Lisa Muswagon <lmuswagon@manitobachiefs.com> wrote:


Hello! Tansi!

My name is Lisa Muswagon and I am the Special Project Policy Analyst for Unmarked Graves for the Assembly of Manitoba Chiefs. My previous job before this was a researcher for my nations unmarked graves project. I want to inform you this letter is received and we will have further discussion to assist and guide you with this process.

It's been such incredible news to hear, and hope we can all assist to find possible outcomes in this process. Please feel free to reach out to me at the number listed below if you have any questions.

Thanks, Ekosani,

Lisa Muswagon
Specialty Projects Policy Analyst – Unmarked Graves
6th Floor – 275 Portage Avenue
Winnipeg, MB
R3B 2B3
(431) 877-2807
<Outlook-bzxl2r1h.png>

From: jwintrup@me.com 
Subject: Re: Pipe Ceremony
Date: December 12, 2023 at 2:15 PM
To: Lisa Muswagon lmuswagon@manitobachiefs.com
Cc: Dennis White Bird dwhitebird@manitobachiefs.com, Melanie Everette meverette@manitobachiefs.com, Tochal Development Group Inc. contact@tochalinc.com



Hi

Earlier this year, Team Tochal retained a team of archeologists and historians to deeply research the history of the lands for a second time.

The research team was tasked by Tochal Developments to thoroughly investigate the former L'AisleRitchot Orphanage cemetery deconsecrated in the 1950s by Les Oblats.

Attached is the Report.

**Aisle Ritchot Cemetery
Research Final Report ...**
1.6 MB



John Scott Wintrup

On Dec 12, 2023, at 11:23 AM, jwintrup@me.com wrote:

Hi

Here is map illustrating in an orange circle where the researchers are suggesting is the location of the mass graves and where the ground truth work should occur.

This area has three landowners include BHF.

<Screenshot 2023-12-12 at 11.20.42 AM.png>

John Scott Wintrup

On Dec 12, 2023, at 11:10 AM, jwintrup@me.com wrote:

Hi

Our preference is for the ceremony to be on all the lands: the evidence so far points to the mass graves being shared amongst a couple of the property owners, at the NW Corner of our lands / NE corner of BHF and along the City of Winnipeg owned lands. Perhaps at the intersection of the property lines we can have the ceremony?

John Scott Wintrup

On Dec 12, 2023, at 11:02 AM, Lisa Muswagon <lmuswagon@manitobachiefs.com> wrote:

No worries, let me produce a quick email of those details. I will contact the behavioural foundation to see if we can use their space. Once I can secure the earliest possible date, we can proceed with all other details. I will send another email with details and an overall agenda to show you what that would look like so you can plan around it. And no worries, I will explain the best possible way so we can all learn and work together.
Sent from my iPhone

On Dec 12, 2023, at 10:57 AM, jwintrup@me.com wrote:

Hi

Thanks!

Please provide the customary protocol for this pipe ceremony, this is my first such event so I apologize for my ignorance on these matters.

We can make the land available if it's an outdoor location, the weather on Thursday indicates above zero temperatures. Or is appropriate to be indoors? Is there an appropriate day of the week or time of day for these ceremonies? Is it okay to invite people to attend?

What can we do for a feast?

John Scott Wintrup

On Dec 12, 2023, at 10:50 AM, Lisa Muswagon <lmuswagon@manitobachiefs.com> wrote:

Tansi! Hello,

I would like to get this request moving as soon as possible. What is the earliest date you would be available to attend a pipe ceremony? When these types of events happen, in our culture it's vital to proceed with a pipe ceremony as advised by our elder's here at the Assembly of Manitoba Chiefs.

The ceremony that would take place is a pipe ceremony, feast and a food offering that comes from the feast. It is customary and ceremony protocol to offer tobacco when these requests are made. You can present the tobacco to our elders, can be a pouch of tobacco, pack of cigarettes. Also, and honorarium can be provided for the ceremony to our elders.

As for location, I will make a few calls to determine the location. I would also like to inform you that our office is closed on December 21 to January 7, 2024. We would like to proceed with this at your earliest convenience. I look forward to your reply.

Ekosi, Thank you!

Lisa Muswagon
Special Projects Policy Analyst - Unmarked Graves
6th Floor - 275 Portage Avenue
Winnipeg, MB R3B 2B3
(431) 877-2807

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This is **Exhibit "O"** referred to in the
Supplementary Affidavit of
John Wintrup sworn before me
this 3rd day of January, 2025



Kevin D. Toyne

A Barrister-at-law entitled to practice
in and for the Province of Manitoba

From: Lisa Muswagon lmuswagon@manitobachiefs.com 
Subject: Re: L'Aisle Richot Cemetery
Date: December 13, 2023 at 3:55 PM
To: jwintrup@me.com



haha! I see that! 🤔

Lisa Muswagon
Special Projects Policy Analyst - Unmarked Graves
6th Floor - 275 Portage Avenue
Winnipeg, MB R3B 2B3
(431) 877-2807



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From: jwintrup@me.com <jwintrup@me.com>
Sent: Wednesday, December 13, 2023 3:36 PM
To: Lisa Muswagon <lmuswagon@manitobachiefs.com>
Subject: Re: L'Aisle Richot Cemetery

hi

Longer week than you will want...tomorrow is only Thursday.

John Scott Wintrup

On Dec 13, 2023, at 3:04 PM, Lisa Muswagon <lmuswagon@manitobachiefs.com> wrote:

Hi there,

Correction: my apologies, the meeting will take place tomorrow, Friday at 10:30 am on the 6th floor at 275 Portage Avenue to meet and discuss research and planning of the pipe ceremony.

Pipe ceremony is scheduled for Wednesday, December 20th at 10 am.

Thanks,

Lisa Muswagon
Special Projects Policy Analyst - Unmarked Graves
6th Floor - 275 Portage Avenue
Winnipeg, MB R3B 2B3
(431) 877-2807

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From: Lisa Muswagon
Sent: Wednesday, December 13, 2023 2:54 PM
To: jwintrup@me.com <jwintrup@me.com>
Cc: Melanie Everette <meverette@manitobachiefs.com>; Dennis White Bird <dwhitebird@manitobachiefs.com>
Subject: L'Aisle Richot Cemetery

Tansil Hello,

As per our discussion regarding your research in St. Norbert at the former L'Aisle Richot Cemetery, we would like to invite you to our office at 275 Portage Avenue on the 6th floor, Friday, December 14, 2023. Please contact me prior to your arrival and I can bring you to our office.

This meeting is to discuss your research and for planning of the pipe ceremony for Wednesday at 10 am, December 20th, 2023. I look forward to meeting with you at our office tomorrow.

Thank you,

Lisa Muswagon
Special Projects Policy Analyst - Unmarked Graves
6th Floor - 275 Portage Avenue
Winnipeg, MB R3B 2B3
(431) 877-2807

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This is **Exhibit "P"** referred to in the
Supplementary Affidavit of
John Wintrup sworn before me
this 3rd day of January, 2025



Kevin D. Foyne

A Barrister-at-law entitled to practice
in and for the Province of Manitoba

From: John Wintrup jwintrup@me.com
Subject: Re: Draft Agenda
Date: December 15, 2023 at 2:46 PM
To: Lisa Muswagon lmuswagon@manitobachiefs.com
Cc: Melanie Everette meverette@manitobachiefs.com, Monique Perrault mperrault@manitobachiefs.com, Dennis White Bird dwhitebird@manitobachiefs.com



Hi

Thanks for putting this together.

Correct me if I am wrong - the press release will happen the same day as the pipe ceremony?

I am fine with that.

What does Tochal need to bring for the feast or what logistics do we need to do?

John S. Wintrup, B.A. (Hons), M.Sc.Pl., MCIP, RPP, AICP, CNU-A, LEED® Green Associate™

J.Wintrup Consulting Ltd.

[301-139 Roslyn RD Winnipeg MB R3L0G7](#)

[204.799.7713](tel:204.799.7713) | jwintrup@me.com

On Dec 15, 2023, at 2:08 PM, Lisa Muswagon <lmuswagon@manitobachiefs.com> wrote:

Please find attached a draft agenda for the proposed Press Release and Pipe Ceremony to take place on December 20, 2023.

Let me know if we need any changes.

Thanks,

Lisa Muswagon
Special Projects Policy Analyst - Unmarked Graves
6th Floor - 275 Portage Avenue
Winnipeg, MB R3B 2B3
(431) 877-2807

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<DRAFT AGENDA - Press Release and Pipe Ceremony.docx>

DRAFT AGENDA – December 20, 2023

9:00 AM Press Release at AMC Office, 17th Floor Board Room at 275 Portage Avenue

10:30 Behavioural Health Foundation site to prepare for Pipe Ceremony and Feast

11:00 Pipe Ceremony

12:00 PM Feast

1:00 Food offering to mass grave site location

Note: To schedule a meeting with Tochal Development and Assembly of Manitoba Chiefs for next steps.

From: John Wintrup jwintrup@me.com 
Subject: Re: Pipe Ceremony and Press Release
Date: December 18, 2023 at 11:23 AM
To: Lisa Muswagon lmuswagon@manitobachiefs.com
Cc: Melanie Everette meverette@manitobachiefs.com, contact@tochalinc.com



Hi Lisa

Tochal Developments consents to AMC to release the report on this matter, if and when AMC chooses to do so.

The report has been previously provided to Premier Wab Kinew.

Let me know if you have any questions or concerns about AMC's ability to release the report.

John S. Wintrup, B.A. (Hons), M.Sc.Pl., MCIP, RPP, AICP, CNU-A, LEED® Green Associate™

J.Wintrup Consulting Ltd.

[301-139 Roslyn RD Winnipeg MB R3L0G7](https://www.jwintrup.com)

[204.799.7713](tel:204.799.7713) | jwintrup@me.com

On Dec 18, 2023, at 10:15 AM, Lisa Muswagon <lmuswagon@manitobachiefs.com> wrote:

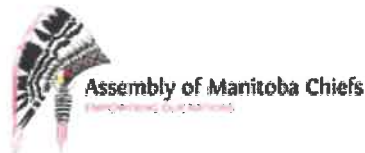
Hi John,

The press conference will take place on Wednesday at 9 am at the AMC board room at 275 Portage Avenue. The room is booked for 8:45.

I am currently working with our PR to produce the press release. The press release will announce the research and invite the media to attend the conference at AMC Board Room on Wednesday. Once the plans are set in place, I will send you the information about the press release as soon as it reaches my email.

Message me anytime!

Lisa Muswagon
Special Projects Policy Analyst - Unmarked Graves
6th Floor - 275 Portage Avenue
Winnipeg, MB R3B 2B3
(431) 877-2807



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From: John Wintrup <jwintrup@me.com>
Sent: Monday, December 18, 2023 9:43 AM
To: Lisa Muswagon <lmuswagon@manitobachiefs.com>

To: Lisa Muswagon <lmuswagon@manitobachiefs.com>
Cc: Melanie Everette <meverette@manitobachiefs.com>
Subject: Re: Pipe Ceremony and Press Release

Hi

Thanks.

A couple of questions:

The press conference will be at AMC's offices?

When / what day is the press release going out: I am guessing that the meeting are invited down to the press conferences?

John S. Wintrup, B.A. (Hons), M.Sc.Pl., MCIP, RPP, AICP, CNU-A, LEED® Green Associate™

J.Wintrup Consulting Ltd.

[301-139 Roslyn RD Winnipeg MB R3L0G7](#)

[204.799.7713](tel:204.799.7713) | jwintrup@me.com

On Dec 18, 2023, at 9:29 AM, Lisa Muswagon <lmuswagon@manitobachiefs.com> wrote:

Good morning,

It was a very busy last week, as per our conversation this morning I will continue to plan and proceed with the press release and conference, pipe ceremony and feast to follow.

As for protocol, here are some considerations:

The pipe ceremony will take place inside the trailer at BHF located on their ceremony. BHF will provide a fire as there is a fire pit on their ceremonial grounds. The pipe ceremony will be with Elders Phillip and Florence Paynter, with their helpers and participants all around. The elder will guide the ceremony and will have helpers to assist them. The ceremony is for us all to learn, and varies from tribe to tribe. We just need to be present and listen. Once the ceremony is complete we will take the offering to the site. Women wear long skirts for ceremony events like this.

I know you mentioned you would like to contribute to the feast, let me find out what is all needed as I will be speaking to the elders today. I will be in touch throughout the day, email or call, as the planning develops. Also feel free to call me, I will be available all day.

Thanks,

Lisa Muswagon
Special Projects Policy Analyst - Unmarked Graves
6th Floor - 275 Portage Avenue
Winnipeg, MB R3B 2B3
(431) 877-2807

[Outlook_20231218_092900](#)

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From: John Wintrup <jwintrup@me.com>
Sent: Friday, December 15, 2023 2:54 PM
To: Lisa Muswagon <lmuswagon@manitobachiefs.com>
Subject: Re: Pipe Ceremony and Press Release

Hi

My apologies I have been tied up most of the day and will call you later.

John S. Wintrup, B.A. (Hons), M.Sc.Pl., MCIP, RPP, AICP, CNU-A, LEED® Green Associate™

J.Wintrup Consulting Ltd.

301-139 Roslyn RD Winnipeg MB R3L0G7

204.799.7713 | jwintrup@me.com

On Dec 15, 2023, at 1:41 PM, Lisa Muswagon <lmuswagon@manitobachiefs.com> wrote:

Hi John,

I needed to speak to a few people before I sent out a message, my apologies for not emailing yesterday. I've sent my briefings to Grand Chief to inform our discussion yesterday and to provide updates. I would like to make a change as we had planned for a press release the following day, instead it would probably be more convenient to schedule the Press Release the same day as the Pipe Ceremony on December 20, 2023, so that way we can do it all in one day.


The proposed agenda and an information sheet on protocol will follow in another email. I spoke briefly with our elder today. Press release in the morning and Pipe Ceremony and feast aimed for noon.

Talk soon,

Lisa Muswagon
Special Projects Policy Analyst - Unmarked Graves
6th Floor - 275 Portage Avenue
Winnipeg, MB R3B 2B3
(431) 877-2807

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From: Lisa Muswagon lmuswagon@manitobachiefs.com 
Subject: Draft press Release
Date: December 18, 2023 at 4:35 PM
To: jwintrup@me.com
Cc: Melanie Everette meverette@manitobachiefs.com



Hi there,

Here is the draft press release!

Thanks,

Lisa Muswagon
Special Projects Policy Analyst - Unmarked Graves
6th Floor - 275 Portage Avenue
Winnipeg, MB R3B 2B3
(431) 877-2807



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**23 12 18 AMC News Release -
AMC Responds to Unmarked...**
87 KB





**FOR IMMEDIATE RELEASE
DECEMBER 20, 2023**

Assembly of Manitoba Chiefs Unveils Research Findings on Unmarked Graves in St. Norbert

Treaty One Territory, Manitoba – The Assembly of Manitoba Chiefs (AMC) is dedicated to preserving the lives and memory of First Nations citizens who passed away in Residential Institutions, particularly those in the St. Norbert area where a recent research project suggests a high likelihood of a mass unmarked grave.

A research group shared their findings at the AMC office, revealing a potential mass unmarked grave on the property of the Behavioural Health Foundation, Lemary Forest, and the City of Winnipeg. The site holds historical significance dating back to the early 1900s when the Misericordia Sisters operated the L'Aisle Ritchot orphanage. In the late 1940s and early 1950s, the Oblates took over the property for use as a seminary.

“We take this news very seriously and our hearts go out to the family and Nations of these little ones who were not given the opportunity to return home, even after they died,” said Grand Chief Cathy Merrick. “It is with heavy hearts, but solid determination, we will seek to find these little ones so they can be laid to rest in the care of their loved ones.”

Over the past two weeks, the AMC has gathered information and data, including digitized archives from the Societe Historique de Saint Boniface, to shed light on this historical tragedy. Collaboration with John Wintrup Planning Development and Tochal Development Group has been crucial in initiating this research project.

Research conducted by the Peguis Consultation and Special Projects Office Archaeological and Heritage Group confirms the presence of a cemetery at Aisle Ritchot, containing both individual and mass graves dating from 1907 to 1918. Approximately 1500 burials, mostly in mass graves, include infants without parents or families without means for individual graves. Records also indicate hundreds of deaths likely linked to the Sisters of Misericorde hospital.

However, the exact cemetery location remains unknown. Non-invasive testing in both the development boundaries and the cleared area west of them is needed. To ascertain the cemetery's size and the presence of human remains, a comprehensive survey program is necessary, utilizing test-pits, ground-penetrating radar, resistivity, and magnetometry tests, all focused on locating graves without disturbing the ground.

It's important to note that Lemay Forest owners lack full control over nearby properties suspected of unmarked mass graves. The AMC actively collaborates with other property owners to address this collectively.



Assembly of Manitoba Chiefs
EMPOWERING OUR NATIONS

“To investigate the presence of unmarked mass graves is not only important, but it is also our Creator-given responsibility to bring these little ones home,” said Grand Chief Cathy Merrick. “We will continue preserving the memory of those affected by this tragedy and ensuring that the history of First Nations in Manitoba is treated with the respect and dignity it deserves. We will continue to work tirelessly to uncover the truth and honour the lives lost.”

The AMC is committed to engaging with various levels of government for completion of this work. Specific methods for the search are under discussion, with a strong focus on employing the least invasive techniques possible.

A national Indian Residential School Crisis Line has been set up to provide support for survivors and those affected. People can access emotional and crisis referral services by calling the 24-hour national crisis line: 1-866-925-4419. A Saskatchewan-based line is now available by calling 306-522-7494.



From: Lisa Muswagon lmuswagon@manitobachiefs.com

Subject: Re: Feast preparation

Date: December 19, 2023 at 2:01 PM

To: jwintrup@me.com

Cc: Melanie Everette meverette@manitobachiefs.com

Hi John,

Thank you for this, it truly is appreciated. Keep sending me whatever could assist in this file and we look forward to meetings in the new year.

Lisa Muswagon
 Special Projects Policy Analyst - Unmarked Graves
 6th Floor - 275 Portage Avenue
 Winnipeg, MB R3B 2B3
 (431) 877-2807



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From: jwintrup@me.com <jwintrup@me.com>
Sent: Tuesday, December 19, 2023 1:42 PM
To: Lisa Muswagon <lmuswagon@manitobachiefs.com>
Cc: Melanie Everette <meverette@manitobachiefs.com>
Subject: Re: Feast preparation

Hi

You mentioned wanting to collect media stories on the lands and their possible development, perhaps for a media briefing book.

I will send you all the media reports in a couple of links to WeTransfer, an online system. And will include the recordings of the speeches made at City Hall on this project.

Attached is a copy of the flyer for the upcoming open house, all persons are invited to attend.

We will be happy to book a meeting with AMC in 2024 to show all the development options for the lands including the older versions that showed the cemetery area being developed; we are NOT going to change the lands where the possible mass graves are located. Our new plans of development are being worked on now at the conclusion of our engagement process and will be made public in 2024.

Thanks!

John Scott Wintrup

On Dec 18, 2023, at 11:59 AM, John Wintrup <jwintrup@me.com> wrote:

Hi

Here are the reports on this Edmonton sweet lodge.

<https://www.cbc.ca/emp/1.6973288>

John S. Wintrup, B.A. (Hons), M.Sc.Pl., MCIP, RPP, AICP, CNU-A, LEED® Green Associate™
 J. Wintrup Consulting Ltd.
 301-139 Roslyn RD Winnipeg MB R3L0G7
 204.799.7713 | jwintrup@me.com

On Dec 19, 2023, at 11:55 AM, John Wintrup <jwintrup@me.com> wrote:

Hi

Here is the Edmonton project I was looking at earlier this year for inspection.

https://www.edmonton.ca/projects_plans/parks_recreation/dhchikaw-aski-development

John S. Wintrup, B.A. (Hons), M.Sc.Pl., MCIP, RPP, AICP, CNU-A, LEED® Green Associate™
 J. Wintrup Consulting Ltd.
 301-139 Roslyn RD Winnipeg MB R3L0G7
 204.799.7713 | jwintrup@me.com

On Dec 18, 2023, at 6:17 PM, Lisa Muswagon <lmuswagon@manitobachiefs.com> wrote:

Yes, that is correct.

Lisa Muswagon
 Special Projects Policy Analyst - Unmarked Graves
 6th Floor - 275 Portage Avenue
 Winnipeg, MB R3B 2B3
 (431) 877-2807

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From: jwintrup@me.com <jwintrup@me.com>
Sent: Monday, December 18, 2023 6:06 PM
To: Lisa Muswagon <lmuswagon@manitobachiefs.com>
Cc: Melanie Everette <meverette@manitobachiefs.com>
Subject: Re: Feast preparation

Hi

Here is a view of BHF's property looking north.

I marked an orange star on some trailers. Is this where the food needs to be delivered?

<Screenshot 2023-12-18 at 6.03.22 PM.png>

John Scott Wintrup

On Dec 18, 2023, at 4:17 PM, Lisa Muswagon <lmuswagon@manitobachiefs.com> wrote:

No, the tobacco you gave will be used. I will let you know if need be.

Lisa Muswagon
 Special Projects Policy Analyst - Unmarked Graves

6th Floor - 275 Portage Avenue
Winnipeg, MB R3B 2B3
(431) 877-2807

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From: jwintrup@me.com <jwintrup@me.com>
Sent: Monday, December 18, 2023 4:16 PM
To: Lisa Muswagon <lmuswagon@manitobachiefs.com>
Cc: Melanie Everette <meverette@manitobachiefs.com>
Subject: Re: Feast preparation

Hi

Do I need to bring more tobacco?

John

On Dec 18, 2023, at 4:05 PM, Lisa Muswagon <lmuswagon@manitobachiefs.com> wrote:

I believe they do!

Lisa Muswagon
Special Projects Policy Analyst - Unmarked Graves
6th Floor - 275 Portage Avenue
Winnipeg, MB R3B 2B3
(431) 877-2807

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From: John Wintrup <jwintrup@me.com>
Sent: Monday, December 18, 2023 4:05 PM
To: Lisa Muswagon <lmuswagon@manitobachiefs.com>
Cc: Melanie Everette <meverette@manitobachiefs.com>
Subject: Re: Feast preparation

Hi

Does Shelley deliver ?

John S. Wintrup, B.A. (Hons), M.Sc.P.I., MCIP, RPP, AICP, CNU-A, LEED® Green Associate™
J. Wintrup Consulting Ltd.
301-138 Roslyn RD Winnipeg MB R3L0G7
204.799.7713 | jwintrup@me.com

On Dec 18, 2023, at 3:48 PM, Lisa Muswagon <lmuswagon@manitobachiefs.com> wrote:

Yes the feast will be at the trailer facility at the BHF. We can do the ceremony in there, have access to the fire place for the ceremony, and then walk over for the site for the food offering. Pending on the day, maybe we can do on the site, we will take guidance from the elder doing the pipe ceremony. He will know what needs to be done.

Keep me updated with how it goes with Shelly's Bistro.

Thanks,

Lisa Muswagon
Special Projects Policy Analyst - Unmarked Graves
6th Floor - 275 Portage Avenue
Winnipeg, MB R3B 2B3
(431) 877-2807

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From: jwintrup@me.com <jwintrup@me.com>
Sent: Monday, December 18, 2023 3:44 PM
To: Lisa Muswagon <lmuswagon@manitobachiefs.com>
Cc: Melanie Everette <meverette@manitobachiefs.com>
Subject: Re: Feast preparation

Hi

I will call Shelly's Indigenous Bistro.

Is the feast at BHF?

John Scott Wintrup

On Dec 18, 2023, at 3:30 PM, Lisa Muswagon <lmuswagon@manitobachiefs.com> wrote:

Hi John,

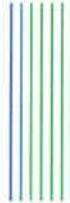
So proceeding with the planning, the elder who will perform the Pipe Ceremony is elder Phillip Paynter. I wanted to ask if your group would like to pay for the feast. What that entails, here is a suggestion.

There is a catering company called Shelly's Indigenous Bistro. Their contact is (204) 774-3559 and you can order

soup
sandwiches (assorted)
bannock
cutlery
drinks of any assortment

for 50 people at least. They will come in individual soup bowl containers. You can also bring a few bags of frozen mixed berries to eat after, with some paper bowls and spoons. You can also bring a few cases of drinks, bottles of water and napkins. Enough to accommodate at least 50 people.

Perhaps in the future a much bigger community feast can be planned as a memorial. Just an idea for you all. For now we'll just focus on the ceremony and who needs to be there.



Let me know what you think?

Lisa Muswagon
Special Projects Policy Analyst - Unmarked Graves
6th Floor - 275 Portage Avenue
Winnipeg, MB R3B 2B3
(431) 877-2807

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This is **Exhibit "Q"** referred to in the
Supplementary Affidavit of
John Wintrup sworn before me
this 3rd day of January, 2025



Kevin D. Toyne

A Barrister-at-law entitled to practice
in and for the Province of Manitoba

From: Lisa Muswagon lmuswagon@manitobachiefs.com
Subject: Re: Potential mass unmarked grave on the property of the Behavioural Health Foundation, Lemay Forest, and the City of Winnipeg.
Date: December 21, 2023 at 10:20 AM
To: jwintrup@me.com



Really appreciate that. Yes please keep me posted, and updated, at the same time I will keep the Grand Chief's Office updated as well.

Thanks,

Lisa Muswagon
Special Projects Policy Analyst - Unmarked Graves
6th Floor - 275 Portage Avenue
Winnipeg, MB R3B 2B3
(431) 877-2807



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From: jwintrup@me.com <jwintrup@me.com>
Sent: Thursday, December 21, 2023 10:18 AM
To: Lisa Muswagon <lmuswagon@manitobachiefs.com>
Subject: Re: Potential mass unmarked grave on the property of the Behavioural Health Foundation, Lemay Forest, and the City of Winnipeg.

Hi

Thanks for contacting me!

Doing better, and grateful for having a solid support network.

I admire your courage to work on unmarked graves, and thankful that good people like you are dedicated to bringing these past atrocities to light for all Canadians to know and understand.

Let me know of any meetings or information or anything that can be helpful here, there is some additional information I will pass on in separate emails.

AMC and your office's leadership and guidance is much needed and appreciated to ensure the wrongs of the past committed here are appropriately recognized.

John Scott Wintrup

On Dec 21, 2023, at 9:45 AM, Lisa Muswagon <lmuswagon@manitobachiefs.com> wrote:

Hi John,

How have you been since we last met? Okay, so I've had some follow up emails after our meeting, and just to let you know, we sent an email to the Mayor in support of your research. We will do our best to assist you and once we commence in the new year, we can have more meetings. I am currently planning a meeting again in the next year.

I am also on call during the holidays so I'll be in touch from time to time. I will also forward the open house invite to Grand Chief's Office.

Thanks John,

Lisa Muswagon
Special Projects Policy Analyst - Unmarked Graves
6th Floor - 275 Portage Avenue
Winnipeg, MB R3B 2B3
(431) 877-2807

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From: MayorGillingham <mayorgillingham@winnipeg.ca>
Sent: Wednesday, December 20, 2023 12:35 PM
To: Grand Chief Merrick <gmerrick@manitobachiefs.com>; MayorGillingham <mayorgillingham@winnipeg.ca>
Cc: Lisa Muswagon <lmuswagon@manitobachiefs.com>; GCO STAFF <GCOSTAFF@manitobachiefs.com>; Howard Burston <hburston@manitobachiefs.com>; Melanie Everette <meverette@manitobachiefs.com>
Subject: RE: Potential mass unmarked grave on the property of the Behavioural Health Foundation, Lemay Forest, and the City of Winnipeg.

Good afternoon,

On behalf of Mayor Scott Gillingham, thank you for your email.

We appreciate this information and will ensure that it is brought to the Mayor's attention.

Again, thank you for your correspondence.

Sincerely,

Rhoab Basco
Office of Mayor Scott Gillingham
City of Winnipeg

From: Grand Chief Merrick <gmerrick@manitobachiefs.com>
Sent: Wednesday, December 20, 2023 12:32 PM
To: MayorGillingham <mayorgillingham@winnipeg.ca>
Cc: Lisa Muswagon <lmuswagon@manitobachiefs.com>; GCO STAFF <GCOSTAFF@manitobachiefs.com>; Howard Burston <hburston@manitobachiefs.com>; Melanie Everette <meverette@manitobachiefs.com>
Subject: Potential mass unmarked grave on the property of the Behavioural Health Foundation, Lemay Forest, and the City of Winnipeg.
Importance: High

**** EXTERNAL EMAIL - USE CAUTION ****

Good Afternoon Mayor Gillingham,

The Assembly of Manitoba Chiefs (AMC) is dedicated to preserving the lives and memory of First Nations citizens who died in Residential School Institutions, particularly those in the St. Norbert area where a recent research project suggests a high likelihood of a mass unmarked grave.

A research group has shared their findings with AMC staff, revealing a potential mass unmarked grave on the property of the Behavioural Health Foundation, Lemay Forest, and the City of Winnipeg.

The site holds historical significance dating back to the early 1900s when the Misericordia Sisters operated the L'Aisle Ritchot orphanage. In the late 1940s and early 1950s, the Oblates took over the property for use as a seminary.

We take this news very seriously and our hearts go out to the family and Nations of these little ones who were not given the opportunity to return home, even after they died. It is with heavy hearts, but solid determination, we will seek to repatriate these little ones so they can be laid to rest in the care of their loved ones.

Over the past two weeks, the AMC has gathered information and data, including digitized archives from the Societe Historique de Saint Boniface, to shed light on this historical tragedy. Collaboration with John Wintrup Planning Development and Tochal Development Group has been crucial in initiating this research project.

Research conducted by the Peguis Consultation and Special Projects Office Archaeological and Heritage Group confirms the presence of a cemetery at Aisle Ritchot, containing both individual and mass graves dating from 1907 to 1918. Approximately 1500 burials, mostly in mass graves, include infants without parents or families without means for individual graves. Records also indicate hundreds of deaths are likely linked to the Sisters of Misericorde hospital.

However, the exact cemetery location remains unknown. Non-invasive testing in both the development boundaries and the cleared area west of them is needed. To ascertain the cemetery's size and the presence of human remains, a comprehensive survey program is necessary, utilizing test-pits, ground-penetrating radar, resistivity, and magnetometry tests, all focused on locating graves without disturbing the ground.

It's important to note that Lemay Forest owners lack full control over nearby properties suspected of unmarked mass graves.

It is the intent of the AMC to actively collaborate with other property owners to ensure collective action is taken to ensure this testing takes place.

As such, the AMC is asking the City of Winnipeg to hold off on any development in this area in order to investigate the presence of unmarked mass graves.

In closing the AMC is committed to engaging with various levels of government for completion of this work. Specific methods for the search are under discussion, with a strong focus on employing the least invasive techniques possible.

Please contact my office should you have any further questions. I would also recommend that we schedule a meeting to discuss.

Ekosani

This is **Exhibit "R"** referred to in the
Supplementary Affidavit of
John Wintrup sworn before me
this 3rd day of January, 2025



Kevin D. Toyne

A Barrister-at-law entitled to practice
in and for the Province of Manitoba

From: jwintrup@me.com
Subject: Re: Updates
Date: January 26, 2024 at 9:56 AM
To: Lisa Muswagon lmuswagon@manitobachiefs.com
Cc: Melanie Everette meverette@manitobachiefs.com



Hi

Please let me know any information you need for the conference presentation - do you need maps or pictures of the lands?

No new fencing has been installed, the only changes made to the fencing was the addition of the new gate system at the south west corner and the placement of the private property signs. Should I be adding temporary fencing around the mass graves?

Let me know when you and the other political organizations wish to meet, I am around [except the week of valentines day].

John

On Jan 26, 2024, at 9:50 AM, Lisa Muswagon <lmuswagon@manitobachiefs.com> wrote:

Tansi John,

Hope you're enjoying this great weather we are having. As discussed before, we did have a meeting with our grand chief office the other day and presented information. We will be meeting with our other political organizations to meet and discuss the Lemay Forest, we would like to invite you to attend that. I will be in touch regarding the date.


Also, I am attending a conference gathering in Iqaluit for unmarked graves from Sunday to Friday. I may have a presentation, and would like to include the Lemay Forest. To give a brief background on what is going on currently, such as the fencing and such. However, I won't discuss the details that is not in the media already. The reason is, is the gathering is hosted by the Office of the Special Interlocutor annual gathering, and she did comment in the media. Let me know your thoughts. Other than that I look forward to our upcoming meeting and will inform you and your team the date.

Thank you,

Lisa Muswagon
Special Projects Policy Analyst - Unmarked Graves
6th Floor - 275 Portage Avenue
Winnipeg, MB R3B 2B3
(431) 877-2807

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From: Lisa Muswagon lmuswagon@manitobachiefs.com 
Subject: Re: Updates
Date: March 27, 2024 at 9:06 AM
To: jwintrup@me.com
Cc: Melanie Everette meverette@manitobachiefs.com



Hi John,

How are you? It's been very busy here at AMC, and just to let you know our Grand Chief Office has your file. Do you have any updates? Also, how is your schedule, we will be reaching out to you soon for a visit to our office to take the next steps forward.

Spring is also here, a perfect time to start looking at a ceremony and feast on the land.

Let's chat soon.

Thanks,

Lisa Muswagon
Special Projects Policy Analyst - Unmarked Graves
6th Floor - 275 Portage Avenue
Winnipeg, MB R3B 2B3
(431) 877-2807



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From: jwintrup@me.com <jwintrup@me.com>
Sent: Friday, February 16, 2024 12:58 PM
To: Lisa Muswagon <lmuswagon@manitobachiefs.com>
Cc: Melanie Everette <meverette@manitobachiefs.com>
Subject: Re: Updates

Hi Lisa,

Hope you are feeling better!

No worries on the communication gaps, I understand there are [unfortunately] several un-marked graves and all of them deserve attention.

Treaty One reached out to me earlier this week: Judy Wasacase, Land Manager at Treaty One.

I informed her that the information on the mass graves Tochal commissioned on this matter was provided to AMC.

If I recall correctly, previous communications with the Federal Government have been provided to your office but cannot recall if the Provincial Government responses were also provided.

The provincial government did respond on January 26 to a letter and the mass graves report provided to the Premier in November - see attachments along with my response to them.

I don't know how else to get the levels of government involved in the next steps needed on the mass graves research and acknowledgments, and look to your office for guidance on this matter.

Please let me know of any meetings that need my attendance to help move this matter along.

John Scott Wintrup

On Feb 16, 2024, at 12:09 PM, Lisa Muswagon <lmuswagon@manitobachiefs.com> wrote:

Hi John

How are you? I am reaching out to see if you have any updates for us. I'd like to update the file. My apologies for the communication gap, over the weeks, I attended a gathering in Iqaluit related to unmarked graves and was sick over the week. Melanie and I would like to update the file and would like to ask you what dates you would have available to meet with our office. Can you provide some possible dates to come meet with us?


Looking forward to catching up with you!

Thanks,

Lisa Muswagon
Special Projects Policy Analyst - Unmarked Graves
6th Floor - 275 Portage Avenue
Winnipeg, MB R3B 2B3
(431) 877-2807

<Outlook-rqvh0afn.png>

This message may contain confidential and/or privileged information. If you are not the addressee or authorized to receive this for the addressee, you must not use, copy, disclose, or take any action based on this message or any information herein. If you have received this message in error, please advise the sender immediately by reply e-mail and delete this message. Thank you for your cooperation.

From: John Wintrup jwintrup@me.com 
Subject: Provincial Government Response
Date: January 27, 2024 at 10:11 AM
To: Lisa Muswagon lmuswagon@manitobachiefs.com



Hi Lisa

The Provincial Government has finally responded to the mass graves report I provided Premier Wab Kinew's Office last year.

See attached.



Minister of Municipal and Northern Relations
Minister of Indigenous Economic Development

Legislative Building, Winnipeg, Manitoba R3C 0V8 CANADA

January 26, 2024

John Scott Wintrup
Professional Planner

This is **Exhibit "S"** referred to in the
Supplementary Affidavit of
John Wintrup sworn before me
this 3rd day of January, 2025

Kevin D. Toyne

A Barrister-at-law entitled to practice
in and for the Province of Manitoba

From: jwintrup@me.com
Subject: Re: Contact Information Melanie Everette
Date: November 29, 2024 at 4:10 PM
To: Melanie Everette meverette@manitobachiefs.com



Hi

I just send you an email with PDF attachments. The files are large. Let me know if you did not get the email.

John Scott Wintrup, B.A. (Hons), M.Sc.Pl., MCIP, RPP, AICP, CNU-A, LEED® Green Associate™
J.Wintrup Consulting Ltd.
Phone: (204) 799-7713
Website: <https://johnwintrup.com>
Twitter: @jwinUP
Linkedin: www.linkedin.com/in/john-s-wintrup
Address: 301-139 Roslyn RD Winnipeg MB R3L0G7

On Nov 29, 2024, at 4:03 PM, Melanie Everette <meverette@manitobachiefs.com> wrote:

Hi John,

Thank you again for taking my call. Here is my contact information.

Melanie Everette
Assembly of Manitoba Chiefs
Special Projects Manager
204-805-2808

This is **Exhibit "T"** referred to in the
Supplementary Affidavit of
John Wintrup sworn before me
this 3rd day of January, 2025



Kevin D. Toyne

A Barrister-at-law entitled to practice
in and for the Province of Manitoba

From: jwintrup@me.com
Subject: Fwd: Tochal Lands St. Norbert Residential Development
Date: February 12, 2024 at 2:44 PM
To: Tochal Development Group Inc. contact@tochalinc.com



Begin forwarded message:

From: jwintrup@me.com
Subject: Re: Tochal Lands St. Norbert Residential Development
Date: February 12, 2024 at 9:44:14 PM GMT+1
To: "Judy Wasacase (Treaty One)" <jwasacase@treaty1.ca>

Hi

Thanks for reaching out on these lands in St. Norbert.

The finding of one of Canada's more significant unmarked mass graves of Indigenous children created by an institution in the 20th Century has historical and cultural significance. Tochal is not equipped to address our findings without leadership and guidance in culturally specific ways to recognize the wrongs of the past appropriately.

Tochal notified the Federal Government, Provincial Government and the City of Winnipeg as well as the Manitoba Metis Federation and the Assembly of Manitoba Chiefs [AMC] on our findings last Fall.

AMC has graciously agreed to ensure the proper cultural ceremonies and recognition of these past atrocities at L'Aisle Ritchot Orphanage in St. Norbert, Manitoba. The AMC has been authorized to release the research study Tochal voluntarily commissioned that identifies the mass graves in St. Norbert. Tochal will provide access to the lands as the AMC deems culturally appropriate. Tochal will set aside two acres of their lands where the mass graves are located for further research and consultation with the Indigenous community on the next steps. Tochal and I will continue to work with willing partners to ensure appropriate actions are taken towards the healing so many deserve.

The landowner and I offer our sympathies for the thousands of Métis, Inuit, and Aboriginal children whose remains have been recorded in the unmarked St. Norbert mass graves and the other atrocities committed by the previous land owner, the Les Oblates at residential schools.

We express our thanks to the AMC and Grand Chief Cathy Merrick for the firm, resolute, and significant efforts in leading the acknowledgement of un-marked Indigenous graves in Manitoba and look forward to continuing our collaboration on the St. Norbert mass graves.

Let me know if Treaty One would like to provide input on this or other matters related to the future of the Tochal Lands in St. Norbert.

John Scott Wintrup, B.A. (Hons), M.Sc.Pl., MCIP, RPP, AICP, CNU-A, LEED® Green

Associate™

J.Wintrup Consulting Ltd.

Phone: (204) 799-7713

Website: <https://johnwintrup.com>

Twitter: @jwinUP

LinkedIn: www.linkedin.com/in/john-s-wintrup

Address: 301-139 Roslyn RD Winnipeg MB R3L0G7

On Feb 12, 2024, at 4:43 PM, Judy Wasacase (Treaty One) <jwasacase@treaty1.ca> wrote:

Hi John, I am the Land Manager at Treaty One Nations that assisting the seven Treaty One Nations in development of their Winnipeg Property and other lands issues. I am been asked to reach out to you and to follow up on your request from November 1, 2023 of the residential developments for Tochal Developments. Please send me any information on land use activity if you need any information further information or assistance.

Thanks

Judy Wasacase (Treaty One)

<image001.png>

Judy Wasacase | Land Manager

Treaty One Nations Inc.

103-1075 Portage Avenue

Peguis First Nation

Winnipeg, MB R3G 0R8

O. 204-783-3110 | C. 431-294-7464 | TF. 1-844-374-8844

[Facebook](#) | [Instagram](#) | [Twitter](#) | [LinkedIn](#) | [Treaty1.ca](#)

This is **Exhibit "U"** referred to in the
Supplementary Affidavit of
John Wintrup sworn before me
this 3rd day of January, 2025



Kevin D. Toyne

A Barrister-at-law entitled to practice
in and for the Province of Manitoba

From: jwintrup@icloud.com
Subject: Tochal Development St Norbert
Date: July 24, 2023 at 3:30 PM
To: christian.goulet@mmf.mb.ca
Cc: Tochal Development Group Inc. contact@tochalinc.com



Hi Christian,

My name is John Wintrup, a professional planner assisting Tochal Developments with the development of their lands in St. Norbert.

Mark Paxton mentioned that he spoke with you about this project, and your office requested that we make direct contact regarding the MMF's involvement.

We understand and acknowledge the significant history of the Red River Métis in St. Norbert, and are hoping to engage the MMF.

Tochal Development Group Inc. owns +22 acre greenfield and forested area adjacent to the southwest shores of the Red River, east of 35 De La Digue Avenue and west of 100 Villa Maria Place in the City of Winnipeg.

Tochal Development is proposing a new mixed-use development with multiple dwelling units buildings [accessible, affordable, and assisted living] for seniors, veterans, Indigenous, New Canadians and persons who identify as LGBTIQ+; and associated medical clinics and small-scale commercial [hair dressers, barbers, nail salon, etc].

Heritage Resources Impact Assessment (HRIA) conducted for the project under Heritage Permit No. A26-20 and pursuant to *The Heritage Resources Act* has been completed. Manitoba's Historic Resources Branch has recommended that additional archival research be conducted regarding a former on-site and relocated cemetery, and that a management plan be developed that considers the past, present and future land use of the land formerly occupied by the cemetery.

Please let me know if you or someone from the MMF is interested in speaking with us.

Thanks!

John Scott Wintrup, B.A. (Hons), M.Sc.Pl., MCIP, RPP, AICP, CNU-A, LEED® Green
Associate™
J.Wintrup Consulting Ltd.
Phone: (204) 799-7713
Website: <https://johnwintrup.com>
Twitter: @jwinUP
Linkedin: www.linkedin.com/in/john-s-wintrup

From: Christian Goulet christian.goulet@mmf.mb.ca
Subject: Re: Tochal Development St Norbert
Date: July 26, 2023 at 1:39 PM
To: jwintrup@icloud.com
Cc: Tochal Development Group Inc. contact@tochalinc.com, Consultation consultation@mmf.mb.ca



Good afternoon Jonh Wintrup,

The Manitoba Métis Federation, the national government of the Red River Métis, has constitutionally protected rights, claims and interests in all areas of our National Homeland. St. Norbert is a very old and well known Red River Métis community site and the history above and below the soil is of great interest to our collective cultural heritage. Resolution 8 is a government protocol that was developed for proponents to follow when engaging the MMF.

All engagement and consultation activity with the MMF is done following the MMF's Resolution No. 8 Framework through the Engagement and Consultation Department. To begin the engagement and/or consultation process with the MMF, please address all written project notifications to President David Chartrand, copying the Engagement and Consultation Department at consultation@mmf.mb.ca.

I appreciate you reaching out. Here is a link to the MMF site that describes the Resolution 8 process in greater detail. <https://www.mmf.mb.ca/engagement-consultation>

I look forward to hearing more about the project after you submit a formal request for engagement.

Sincerely,

Christian Goulet (he/him)
Energy and Infrastructure Coordinator
Energy, Infrastructure and Resource Management
Manitoba Metis Federation – the National Government of the Red River Métis
C. 431 278 9541
christian.goulet@mmf.mb.ca

Christian

From: jwintrup@icloud.com <jwintrup@icloud.com>
Date: Monday, July 24, 2023 at 3:31 PM
To: Christian Goulet <christian.goulet@mmf.mb.ca>
Cc: Tochal Development Group Inc. <contact@tochalinc.com>
Subject: Tochal Development St Norbert

Hi Christian

PI CONSULTANT,

My name is John Wintrup, a professional planner assisting Tochal Developments with the development of their lands in St. Norbert.

Mark Paxton mentioned that he spoke with you about this project, and your office requested that we make direct contact regarding the MMF's involvement.

We understand and acknowledge the significant history of the Red River Métis in St. Norbert, and are hoping to engage the MMF.

Tochal Development Group Inc. owns +22 acre greenfield and forested area adjacent to the southwest shores of the Red River, east of 35 De La Digue Avenue and west of 100 Villa Maria Place in the City of Winnipeg.

Tochal Development is proposing a new mixed-use development with multiple dwelling units buildings [accessible, affordable, and assisted living] for seniors, veterans, Indigenous, New Canadians and persons who identify as LGBTIQA+; and associated medical clinics and small-scale commercial [hair dressers, barbers, nail salon, etc].

Heritage Resources Impact Assessment (HRIA) conducted for the project under Heritage Permit No. A26-20 and pursuant to *The Heritage Resources Act* has been completed. Manitoba's Historic Resources Branch has recommended that additional archival research be conducted regarding a former on-site and relocated cemetery, and that a management plan be developed that considers the past, present and future land use of the land formerly occupied by the cemetery.

Please let me know if you or someone from the MMF is interested in speaking with us.

Thanks!

John Scott Wintrup, B.A. (Hons), M.Sc.Pl., MCIP, RPP, AICP, CNU-A, LEED® Green Associate™

J.Wintrup Consulting Ltd.

Phone: (204) 799-7713

Website: <https://johnwintrup.com>

Twitter: @jwinUP

LinkedIn: www.linkedin.com/in/john-s-wintrup

From: jwintrup@icloud.com
Subject: Tochal Development St Norbert Engagement
Date: July 26, 2023 at 4:42 PM
To: consultation@mmf.mb.ca
Cc: Tochal Development Group Inc. contact@tochalinc.com



My name is John Wintrup, a professional planner assisting Tochal Developments with the development of their lands in St. Norbert.

We understand and acknowledge the significant history of the Red River Métis in St. Norbert, and are hoping to engage the MMF on the lands owned by Tochal Developments.

Tochal Development owns +22 acre greenfield and forested area adjacent to the southwest shores of the Red River, east of 35 De La Digue Avenue and west of 100 Villa Maria Place in the St. Norbert area of the City of Winnipeg.

Tochal Development is proposing a new mixed-use development with multiple dwelling units buildings [accessible, affordable, and assisted living] for seniors, veterans, Indigenous, New Canadians and persons who identify as LGBTQIA+; and associated medical clinics and small-scale commercial [hair dressers, barbers, nail salon, etc].

Heritage Resources Impact Assessment (HRIA) conducted for the project under Heritage Permit No. A26-20 and pursuant to *The Heritage Resources Act* has been completed. Manitoba's Historic Resources Branch has recommended that additional archival research be conducted regarding a former on-site and relocated cemetery, and that a management plan be developed that considers the past, present and future land use of the land formerly occupied by the cemetery.

Please let me know if the MMF is interested in speaking with us.

Thanks!

John Scott Wintrup, B.A. (Hons), M.Sc.Pl., MCIP, RPP, AICP, CNU-A, LEED® Green Associate™

J.Wintrup Consulting Ltd.

Phone: (204) 799-7713

Website: <https://johnwintrup.com>

Twitter: @jwinUP

LinkedIn: www.linkedin.com/in/john-s-wintrup

Address: 301-139 Roslyn RD Winnipeg MB R3L0G7

This is **Exhibit "V"** referred to in the
Supplementary Affidavit of
John Wintrup sworn before me
this 3rd day of January, 2025

Kevin D. Toyne

A Barrister-at-law entitled to practice
in and for the Province of Manitoba

From: Jasmine Langhan jasmine.langhan@mmf.mb.ca 
Subject: RE: MMF re Tochal Development Inc.
Date: August 14, 2023 at 2:57 PM
To: Tochal Development Group Inc. contact@tochalinc.com
Cc: Marci Riel marci.riel@mmf.mb.ca, Riley Bartel riley.bartel@mmf.mb.ca, jwintrup@icloud.com, Consultation consultation@mmf.mb.ca



Good afternoon Mazyar Yahyapour,

Re: Tochal Development Group Inc. proposed new mixed-use development in St. Norbert

The MMF – National Government of the Red River Métis (“the MMF”) would like to thank John Wintrup, for his notification regarding Tochal Development Group Inc proposed new mixed-use development in St. Norbert (“the Proposal”) dated July 26, 2023. Please note that the correspondence has been sent to our subject matter experts within the Energy, Infrastructure and Resource Management (“EIRM”) Department for an internal review and response.

The Red River Métis are a distinct Indigenous People, Canada’s Negotiating Partner in Confederation and Founders of the Province of Manitoba. As such, in 2007 the MMF adopted Resolution No. 8 setting out the framework for engagement and consultation with the Red River Métis. In consulting the MMF, on behalf of the Red River Métis, the Resolution No. 8 framework calls for the implementation of five phases.

- Phase I: Notice and Response;
- Phase II: Research and Capacity;
- Phase III: Engagement and Consultation;
- Phase IV: Partnership and Accommodation; and,
- Phase V: Implementation.

The Engagement and Consultation Department works to ensure a distinctions-based approach and sets out the expectations of the community for appropriate consultation and engagement by the Crown and Proponents. The Department ensures any decision or project that may affect our collective Métis rights, interests and claims is addressed in matters related to engagement, consultation, and accommodation.

Designed by Métis—for Métis—Resolution No. 8 sets out the process that is to be followed by governments, industry, and other proponents when developing plans or projects that have the 2 potential to impact the section 35 rights, claims, and interests of the Red River Métis. It was unanimously passed by MMF Citizens and mandates a “single-window” approach to consultation and engagement with the Red River Métis through the MMF Home Office. Lastly, we would like to remind Tochal Development Group Inc. that we are rightsholders in the context of this Proposal, not stakeholders.

Please note going forward the MMF lead will be Mr. Riley Bartel, Conservation and Lands Coordinator within our EIRM department. Please contact him at your earliest opportunity via email at riley.bartel@mmf.mb.ca if you require clarification or have any questions regarding this letter. The MMF looks forward to working collaboratively with you on the Proposal to ensure Métis-specific information and concerns are incorporated into a full, proper, and meaningful engagement process.

Best regards,
Jasmine

Jasmine Langhan (*She/Her/Elle*)
Director, Engagement & Consultation
MMF – National Government of the Red River Métis

From: Tochal Development Group Inc. <contact@tochalinc.com>
Sent: Monday, August 14, 2023 1:27 PM
To: Jasmine Langhan <jasmine.langhan@mmf.mb.ca>
Cc: Marci Riel <marci.riel@mmf.mb.ca>; Riley Bartel <riley.bartel@mmf.mb.ca>; jwintrup@icloud.com; Consultation <consultation@mmf.mb.ca>
Subject: Re: MMF re Tochal Development Inc.

Hi Jasmin,

I hope you had a great weekend!

Could you kindly resend the letter with the correct letterhead address?

Our address is:
8 Riverbend Avenue,
Winnipeg, MB, R2M 2N6.

Please let us know the next steps we can take to engage the MMF on this matter.

Looking forward to working with you on this project.

Best regards,

Mazyar Yahyapour
CEO & President
Tochal Development Group Inc.
204 887 5853
contact@tochalinc.com

From: Jasmine Langhan <jasmine.langhan@mmf.mb.ca>
Date: Monday, August 14, 2023 at 1:42 PM
To: Tochal Development Group Inc. <contact@tochalinc.com>, info@tochalconsulting.com <info@tochalconsulting.com>
Cc: Marci Riel <marci.riel@mmf.mb.ca>, Riley Bartel <riley.bartel@mmf.mb.ca>, jwintrup@icloud.com <jwintrup@icloud.com>, Consultation <consultation@mmf.mb.ca>
Subject: RE: MMF re Tochal Development Inc.

Good afternoon all,

Thank you, Cindy for your communication. I hope communication with potential clients is not undertaken the way you addressed us with a slight mistake.

Mayzar – thank you for responding you are in receipt of our letter, we look forward to a meaningful response.

Best regards,
Jasmine Langhan

Jasmine Langhan (*She/Her/Elle*)
Director, Engagement & Consultation
MMF – National Government of the Red River Métis
300-150 Henry Avenue
Winnipeg, MB R3B 0J7
Phone: 204-586-8474 **Ext. 2795**
E-mail: jasmine.langhan@mmf.mb.ca

From: Tochal Development Group Inc. <contact@tochalinc.com>
Sent: Thursday, August 10, 2023 4:18 PM
To: info@tochalconsulting.com; Consultation <consultation@mmf.mb.ca>
Cc: Jasmine Langhan <jasmine.langhan@mmf.mb.ca>; Marci Riel <marci.riel@mmf.mb.ca>; Riley Bartel <riley.bartel@mmf.mb.ca>; jwintrup@icloud.com
Subject: Re: MMF re Tochal Development Inc.

Hi Cindy,

Thanks for letting us know!

I'm not sure how Averee gets the wrong email? A similar name confusion must be the cause.

I apologize for the inconvenience.
Please discard the emails immediately.

Everyone, please make sure that to email/reply to contact@tochalinc.com and remove the wrong email.

Best regards,

Mazyar Yahyapour
CEO & President
Tochal Development Group Inc.
204 887 5853
Contact@tochalinc.com

From: info@tochalconsulting.com <info@tochalconsulting.com>
Sent: Thursday, August 10, 2023 16:58
To: 'Consultation' <consultation@mmf.mb.ca>; Tochal Development Group Inc. <contact@tochalinc.com>
Cc: 'Jasmine Langhan' <jasmine.langhan@mmf.mb.ca>; 'Marci Riel' <marci.riel@mmf.mb.ca>; 'Riley Bartel' <riley.bartel@mmf.mb.ca>; jwintrup@icloud.com <jwintrup@icloud.com>
Subject: RE: MMF re Tochal Development Inc.

Hi,

On behalf of Tochal Consulting Ltd, we don't have any employee / agent with the last name of Yahynour and have not applied for any permits / development in the Province of

or Yahypour and have not applied for any permits / development in the Province of Manitoba nor in the business of real estate. We are a renewable energy consulting active in utilities / power industries in BC.

You might send this email to a wrong email address.

Thank you,

Cindy Duffy –Senior Administrator

Tochal Consulting Ltd.

E info@tochalconsulting.com

W www.tochalconsulting.com



From: Consultation <consultation@mmf.mb.ca>

Sent: Thursday, August 10, 2023 1:12 PM

To: info@tochalconsulting.com; contact@tochalinc.com

Cc: Jasmine Langhan <jasmine.langhan@mmf.mb.ca>; Marci Riel

<marci.riel@mmf.mb.ca>; Riley Bartel <riley.bartel@mmf.mb.ca>; jwintrup@icloud.com

Subject: MMF re Tochal Development Inc.

Good Afternoon Mr. Yahypour,

On behalf of Jasmine Langhan, Director of Engagement & Consultation at the Manitoba Métis Federation (the "MMF"), please see attached letter regarding Tochal Development Inc.'s proposed mixed-use development in St. Norbert.

If you have any questions or concerns, please do not hesitate to contact Mr. Riley Bartel, Conservation and Lands Coordinator in our Energy, Infrastructure, and Resource Management Department at riley.bartel@mmf.mb.ca

Thank you,

Averee Fontaine
Consultation Specialist

Department of Engagement and Consultation

MMF - National Government of the Red River Métis

MMF - National Government of the Red River Metis

300-150 Henry Avenue

Winnipeg, MB, R3B 0J7

E-mail: consultation@mmf.mb.ca

From: Consultation consultation@mmf.mb.ca 

Subject: MMF re Tochal Development Inc.

Date: August 10, 2023 at 3:11 PM

To: info@tochalconsulting.com, contact@tochalinc.com

Cc: Jasmine Langhan jasmine.langhan@mmf.mb.ca, Marci Riel marci.riel@mmf.mb.ca, Riley Bartel riley.bartel@mmf.mb.ca, jwintrup@icloud.com



Good Afternoon Mr. Yahypour,

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Thank you,

Averee Fontaine
Consultation Specialist

Department of Engagement and Consultation
MMF - National Government of the Red River Métis
300-150 Henry Avenue
Winnipeg, MB, R3B 0J7
E-mail: consultation@mmf.mb.ca

10.08.2023 MMF re Tochal
Development Group Inc....





MANITOBA MÉTIS FEDERATION

300 - 150 Henry Ave., Winnipeg, Manitoba R3B 0J7

Phone: (204) 586-8474 Fax: (204) 947-1816 Website: www.mmf.mb.ca

David Chartrand, LL.D. (hon), O.M.
President

August 10, 2023

*****VIA E-MAIL*****

Mr. Mazyar Yahypour
CEO & President
Tochal Development Group Inc.
1199 Seymour Street, Suite 2905
Vancouver, BC V6B 1K3

Dear Mr. Yahypour,

Re: Tochal Development Group Inc. proposed new mixed-use development in St. Norbert

The MMF – National Government of the Red River Métis (“the MMF”) would like to thank John Wintrup, for his notification regarding Tochal Development Group Inc proposed new mixed-use development in St. Norbert (“the Proposal”) dated July 26, 2023. Please note that the correspondence has been sent to our subject matter experts within the Energy, Infrastructure and Resource Management (“EIRM”) Department for an internal review and response.

The Red River Métis are a distinct Indigenous People, Canada’s Negotiating Partner in Confederation and Founders of the Province of Manitoba. As such, in 2007 the MMF adopted Resolution No. 8 setting out the framework for engagement and consultation with the Red River Métis. In consulting the MMF, on behalf of the Red River Métis, the Resolution No. 8 framework calls for the implementation of five phases.

Phase I: Notice and Response;
Phase II: Research and Capacity;
Phase III: Engagement and Consultation;
Phase IV: Partnership and Accommodation; and,
Phase V: Implementation.

The Engagement and Consultation Department works to ensure a distinctions-based approach and sets out the expectations of the community for appropriate consultation and engagement by the Crown and Proponents. The Department ensures any decision or project that may affect our collective Métis rights, interests and claims is addressed in matters related to engagement, consultation, and accommodation.

Designed by Métis—for Métis—Resolution No. 8 sets out the process that is to be followed by governments, industry, and other proponents when developing plans or projects that have the

potential to impact the section 35 rights, claims, and interests of the Red River Métis. It was unanimously passed by MMF Citizens and mandates a “single-window” approach to consultation and engagement with the Red River Métis through the MMF Home Office. Lastly, we would like to remind Tochal Development Group Inc. that we are rightsholders in the context of this Proposal, not stakeholders.

Please note going forward the MMF lead will be Mr. Riley Bartel, Conservation and Lands Coordinator within our EIRM department. Please contact him at your earliest opportunity via email at riley.bartel@mmf.mb.ca if you require clarification or have any questions regarding this letter. The MMF looks forward to working collaboratively with you on the Proposal to ensure Métis-specific information and concerns are incorporated into a full, proper, and meaningful engagement process.

Best regards,

Original Signed By

Jasmine Langhan
Director of Engagement & Consultation

/AF

Cc: MMF President’s Office
Marci Riel, Senior Director of EIRM
Riley Bartel, Conservation and Lands Coordinator of EIRM

This is **Exhibit "W"** referred to in the
Supplementary Affidavit of
John Wintrup sworn before me
this 3rd day of January, 2025



Kevin D. Toyne

A Barrister-at-law entitled to practice
in and for the Province of Manitoba

From: jwintrup@me.com 
Subject: Re: MMF re Tochal Development Inc.
Date: October 31, 2023 at 9:17 AM
To: Riley Bartel riley.bartel@mmf.mb.ca
Cc: contact@tochalinc.com



Hi Riley,

Team Tochal's technical people have reviewed the building programme numbers to ensure accuracy, and generated the attached document to better visualize the current proposed development of the subject lands in St. Norbert.

A parcel plan based on this development scenario has also been generated.

See attached documents. The attachment illustrates the number of units and parking stalls proposed for each parcel, and the total units and parking for the subject lands.

We are also reaching out to all levels of governments and other parties such as the MMF, to determine any interest in acquiring these lands to preserve all the trees instead of adding any new housing.

Tochal Development Group Inc. is proposing on the subject lands a new mixed-use development with multiple, multiple dwelling unit buildings [independent, assisted, supportive living units] that are accessible and/or affordable, for seniors, veterans, Indigenous, New Canadians and persons who identify as LGBTIQA+; medical, dental, optical clinics; and small-scale commercial [hairdressers, barbershop, nail salon, spa, coffee shop, florist, personal services, etc.].

Tochal is proposing to balance this new housing by safekeeping 22% of the forest area; providing 11% green space for a total of 33% of open and green space in exchange for adding density of 2,571 dwelling units on 55% of the 22.5 acres of land.

Option B1- Pre-Application August 2023 Scenario has the following:

Total Tochal Lands – +/-22.5 acres*

*NOTE, the Architect's document in the attached summary includes the City Lands, thus the design team summary numbers are slightly different. The total here also does not include 823 Lemay.

- Parcel B and O remain tree areas for a total of +/-5 ac. (22%) of land designated as parkland.
- Parcel P is the area of pond at +/-2 ac (11%), for open space and land drainage.
- Total forested and open spaces areas are +/- 7 acres (33%)
- Parcel A is the road at +/-3 ac (14%)
- Total building areas +/-12 ac (55%)**

**NOTE: the road area includes 823 Lemay, whereas the 22.5 acres does not, thus the Total Percentage is 102%

How much of the subject land is currently publicly owned?

Zero.

100% privately owned lands and have been privately owned by different parties for +100 years.

How much of the land will the public gain in ownership?

33%

How much land does the general public currently have lawful access to?

Zero

How much land will the general public have for lawful access, after a development application?

33%

How many trees or forested areas does the public currently own on the lands?

Zero.

How many trees or forested area will the public gain in ownership on the lands?

22%

How much of the subject land is currently forested?

73 % [16.5 acres / 22.5 acres]

16.5 acres.is the area of existing trees on the Tochal Lands.

How many dwellings are currently on the lands?

One house at 823 Lemay Avenue.

How much of the lands will remain forested in the new development?

22.43 % [5.0478 acres / 22.5 acres] of the site will remain forested.

This does not included required landscaping within each development area which has yards, parking lot interior and building foundation landscaping.

How much housing area will be gained and How much forest area will be removed?

- Increase of 55 % of housing area.

- Decrease of 50 % of forest area.

What is the comparison between the current amount of forested area and the proposed amount of forest area and open space?

73 % Current Forrest Area –

33% Option B1 Pre-App, Mix housing & Forest - 22% forest area, 11% greenspace.

How much and what type of green space is typically dedicated under legislation and City of Winnipeg Council policy?

8% of the total land is typically dedicated for Public Reserve and it is only required to be sod/seeded and with an irrigation system, and pay its share of the services in the abutting streets.

Trees are not required.

1.8 acres of the subject lands would typically be dedicated as an open green space with a

property line delineation of fencing, bollards or alternate materials.

Why is Tochal willing to exceed the typical requirement for land dedication?

Tochal is prepared to exceed the typical land dedication requirements to accommodate the requested density.

Will there be an Option B2?

Yes.

A new development scenario design will need to be generated due to new information such as:

- Engineering [a new outfall will need to be constructed directly north to the Red River].
- Indigenous ceremonial activities on the lands [Tochal is willing to see this activity continuing on a parcel of land owned by an entity such as the City of Winnipeg via park dedication]
- Amount of commercial space refined down to around 15k to 30k to focus on personal services not currently available in St. Norbert, and still being refined to ensure not an overbuilt.
- Transit requirements for shelter, staging and a potential new station.
- Parking, additional parking can be accommodated, if need be.
- Public engagement, We are open to hearing from others on balancing the amount of green space / forest area that may be preserved in relation to the amount of housing on the lands.

What are the Next Steps for Option B, Housing/Forest Balance?

Tochal Developments has no intent on continuing the financial burden of owning a publicly accessible, privately owned forest with no housing.

The option for preserving all the lands as a publicly accessible, privately owned forest with no housing is not the intention of this landowner. Nor is it the landowners intention to add only a small amount of housing while retaining/dedicating a significant amount of forest area.

We intend to continue engaging and advancing other options.

Our first choice is a new mixed-use development with multiple dwelling units buildings [accessible, affordable, and assisted living] for seniors, veterans, Indigenous, New Canadians, and persons who identify as LGBTIQ+; and associated medical clinics and small-scale commercial [hairdressers, barbers, nail salon, etc.] orientated around an extension of the St. Norbert Blue Line Transit Service.

Let us know if the MMF has an interest in acquiring the lands for the sole purpose of preserving the entire forest instead of providing any housing. Or wishes to provide feedback / comments on the mix of new housing and forest area being considered on these lands.

Thanks for your efforts on this matter.

**20231023 Tochal Project
Summary.pdf**



**20231024 Conceptual
Subdivision Plan - Units and ...**
806 KB



John Scott Wintrup, B.A. (Hons), M.Sc.Pl., MCIP, RPP, AICP, CNU-A, LEED® Green Associate™
J.Wintrup Consulting Ltd.
Phone: (204) 799-7713
Website: <https://johnwintrup.com>

Linkedin: www.linkedin.com/in/john-s-wintrup

On Oct 22, 2023, at 9:10 PM, jwintrup@me.com wrote:

Hi Riley,

We wish to extend an invitation to the MMF to enter the Tochal Lands, at their own risk, during daylight hours until the end of November 2023 to heighten their understanding of the private property for future discussions or considerations in 2024.

The same invitation has been sent to officials with the Governments of Canada, Manitoba and Winnipeg; and members of the public at-large.

Tochal Lands can be accessed via the City of Winnipeg lands: 3450 Pembina Hwy, St. Norbert Community Centre is a starting point. Walking due west behind the building will cross City playing fields to the flood protection berms to access the subject lands beyond the chain link fence, south of the flood berm.

After November 30, 2023 access to the lands will be restricted to authorized personnel only.

We have met and listened to the Indigenous group that has established a ceremonial focal point on the property: we share a common interest and are agreeable to their current activities as such, their access is authorized and will

continue through the Winter until at least Spring 2024.

Please let me know if members of the MMF wish to continue accessing the Tochal Lands after November 30, 2023.

John Scott Wintrup, B.A. (Hons), M.Sc.Pl., MCIP, RPP, AICP, CNU-A, LEED® Green Associate™

J.Wintrup Consulting Ltd.

Phone: (204) 799-7713

Website: <https://johnwintrup.com>

Linkedin: www.linkedin.com/in/john-s-wintrup

Address: 301-139 Roslyn RD Winnipeg MB R3L0G7

On Oct 11, 2023, at 4:43 PM, jwintrup@me.com wrote:

Hi Riley,

Thank you for meeting with us back in August about the planning for the Tochal Lands.

Our listening exercise continues, collecting information & feedback from various sources to shape the vision of the future development of the Tochal Lands.

We look forward to hearing from your offices and the MMF.

Below is a summary of our current engagement: we want to alert you to the engagement of nearby residential land owners who may or may not be with the MMF. Our intention is to connect with residents simply identified as 'property owners', and to continue to respect the MMF protocols as per Resolution 8 for engagement and consultation.

1. City of Winnipeg Public Service Engagement

We have reached out to several members of the Winnipeg Public Service, providing opportunities to tour the lands, review all the background materials, connecting in one-on-one meetings, and presenting the materials to several, cross-departmental staff members.

2. Elected Officials Engagement

Elected representatives serving St. Norbert at all levels of government have been contacted and information provided to their offices.

3. Organizations and Businesses Engagement

Several businesses and organizations with a presence and/or land ownership along Pembina HWY in close proximity to the Tochal Lands have been contacted. As well as several non-governmental organizations who may be interested in the planning of the Tochal Lands.

4. Residential Engagement

We will be reaching out to individual home-owner residents shortly. We are prepared to meet with them individually, one-on-one, or in small / large groups to listen to their concerns.

We look forward to engaging your office on the planning of the Tochal Lands in St. Norbert.

John Scott Wintrup, B.A. (Hons), M.Sc.Pl., MCIP, RPP, AICP, CNU-A, LEED® Green

Associate™

J.Wintrup Consulting Ltd.

Phone: (204) 799-7713

Website: <https://johnwintrup.com>

Twitter: @jwinUP

Linkedin: www.linkedin.com/in/john-s-wintrup

Address: 301-139 Roslyn RD Winnipeg MB R3L0G7

On Aug 31, 2023, at 9:27 AM, jwintrup@me.com wrote:

Hi Riley

Thank you for taking the time for this matter. And we hope to see you and/or the MMF at the walking tour.

Maz and I also spoke yesterday to the archaeologists, Mark Paxton-MacRae and Bowen Thomas-Lundin, who are working on this project.

This team is conducting the additional archival research regarding the cemetery, and forming the management plan that considers the past, present and future land use of the land formerly occupied by the cemetery that Manitoba's Historic Resources Branch has recommended as per the Heritage Resources Impact Assessment Report forwarded to your office.

Mark and/or Bowen in their research, may connect with the MMF's archivists [as well as several other sources & organizations] regarding the historical information/materials on the subject lands. Let me know if there is any concerns with this.

All the results of the archival research will be shared with your offices, and we would also like to work with the MMF on the management plan, so please advise on the next steps as well.

We look forward to continuing to work with the MMF on these matters.

John Scott Wintrup

On Aug 31, 2023, at 8:54 AM, Riley Bartel <riley.bartel@mmf.mb.ca> wrote:

Good morning John,

Thank you for the meeting yesterday.

I have received the PDF files and the walking tour invite. I will spend some time going through the materials and I will follow up with you regarding the MMF staff participating in the tour.

Best regards,
Riley

Riley Bartel
Conservation Coordinator
Energy, Infrastructure and Resource Management
MMF – National Government of the Red River Métis
150 Henry Avenue
Winnipeg, MB, R3B 0J7
Tel: (204) 586-8474 **Ext. 2803**
E-mail: riley.bartel@mmf.mb.ca

From: jwintrup@icloud.com <jwintrup@icloud.com>
Date: Wednesday, August 30, 2023 at 2:03 PM
To: Riley Bartel <riley.bartel@mmf.mb.ca>
Cc: contact@tochalinc.com <contact@tochalinc.com>
Subject: Re: MMF re Tochal Development Inc.

Hi

I have sent 27 PDF files via WeTransfer to your email address.

We can also provide hard copies of any or all of the files if necessary.

We look forward to a follow up meeting on this matter.

John Scott Wintrup

On Aug 30, 2023, at 1:55 PM, jwintrup@icloud.com wrote:

Hi Riley,

Thanks for the call this afternoon. As I mentioned. . .

We are inviting your office and anyone else you feel should participate in a walking tour of the Tochal Lands in St. Norbert.

September 18 from 200pm - 300pm - Tochal Lands Walking Tour.

3450 Pembina Hwy, St. Norbert Community Centre Parking Area is the meeting place - see attachment.

Walking tour will cross City of Winnipeg's playing fields and flood protection berms to access the Tochal Lands at the NW corner.

Total walking distance, +/- 1800 metres.

The start of the walk, the ground is level with a low rise incline to traverse up the flood protection berms and a sharper decline to access the subject lands

the subject lands.

The Tochal land are relatively flat with undulations, small hill, tall grass and weeds with a walking path mowed down by the neighbours. Off the pathways the weeds are prickly, 3-4 feet tall and the wooded areas have fallen trees. Typical bugs and insects for this type of area of Winnipeg [mosquitoes, ticks, etc.]

Dress appropriately for the weather conditions and for walking the terrain / distance.

Drinking Water will be provided.

On the day of the event, should the weather be questionable, we will communicate one hour before the meeting time.

Tour Purpose - allow people to visit the site to see the current conditions and the surrounding context.

Information will be provided on the current conditions: we are not seeking feedback at this tour on the proposed development nor are we providing much details on the development scenario as this is an opportunity for people to see the site and the context.

We are willing for a follow meeting/presentation for the MMF where the technical team can present information on the development scenario proposed for the Tochal Lands.

Feel free to circulate this invitation to MMF who may be interested in this walking tour.

And let us know if your office would like us to schedule a presentation by the technical team on the development scenario.

Thanks again for providing the opportunity to work with your office and the MMF.

John Scott Wintrup

<Screenshot 2023-08-29 at 11.35.33 AM.png>

On Aug 28, 2023, at 10:43 AM, Riley Bartel
<riley.bartel@mmf.mb.ca> wrote:

Hi John,

A virtual meeting or call this Wednesday works best on my end. Would Wednesday, August 30th at 1:30pm work for you?

Riley

Riley Bartel

Conservation Coordinator

Energy, Infrastructure and Resource Management
MMF – National Government of the Red River Métis
150 Henry Avenue
Winnipeg, MB, R3B 0J7
Tel: (204) 586-8474 Ext. 2803
E-mail: riley.bartel@mmf.mb.ca

From: jwintrup@icloud.com <jwintrup@icloud.com>

Date: Sunday, August 27, 2023 at 5:34 PM

To: Riley Bartel <riley.bartel@mmf.mb.ca>

Cc: contact@tochalinc.com <contact@tochalinc.com>

Subject: Re: MMF re Tochal Development Inc.

Hi Riley,

Any chance we can meet this week, the week of August 28.

Thanks!

John Scott Wintrup

On Aug 23, 2023, at 2:09 PM,
jwintrup@icloud.com wrote:

Hi Riley,

Thanks so much for the timely reply.

We are available all next week, preferable times
are between noon - 500pm.

Let me know what works for your office.

To facilitate the discussion, attached are some
documents recently submitted to the City of
Winnipeg for a 'pre-application' [the files are large
and we can provide the additional documents, if
you wish, let me know].

We are currently in a preliminary stage of the
planning for this development: providing

information, such as the conceptual plan of development and background studies, to parties to solicit feedback.

The City of Winnipeg Pre-application is a vehicle for us to work with City Staff towards building consensus by reviewing the preliminary conceptual development proposed for the lands.

We are prepared to modify the concept plan, based on feedback, prior to a formal development application with a more refined plan of development being submitted for municipal approval later this year.

We look forward to connecting with your office next week on this matter.

[Click to Download](#)

1 Letter of Intent TOCHAL 04 AUGUST 2023.pdf
2.6 MB

[Click to Download](#)

12 HRIA_Heritage Permit A26_20 Report_20201023
copy.pdf
13.7 MB

[Click to Download](#)

19c 22-030 st norbert concept plan 2023-08-03.pdf
8.4 MB

John Scott Wintrup, B.A. (Hons), M.Sc.Pl., MCIP,
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Website: <https://johnwintrup.com>
Twitter: @jwinUP
Linkedin: www.linkedin.com/in/john-s-wintrup
Address: 301-139 Roslyn RD Winnipeg MB
R3L0G7

On Aug 23, 2023, at 10:23 AM, Riley
Bartel <riley.bartel@mmf.mb.ca>
wrote:

Hi John,

Thank you for your email.

I think it would be best to schedule a virtual meeting or a call to further discuss the mixed-use development. I am hoping to get a better sense of the input and feedback you are looking for as well as project timelines.

Is there a date and time next week that suits your schedule?

Best regards,
Riley

Riley Bartel
Conservation Coordinator
Energy, Infrastructure and
Resource Management
MMF – National Government of the
Red River Métis
150 Henry Avenue
Winnipeg, MB, R3B 0J7
Tel: (204) 586-8474 Ext. 2803
E-mail: riley.bartel@mmf.mb.ca

From: John Wintrup
<jwintrup@icloud.com>
Date: Thursday, August 10,
2023 at 6:20 PM
To: Riley Bartel
<riley.bartel@mmf.mb.ca>
Cc: contact@tochalinc.com
<contact@tochalinc.com>
Subject: Fwd: MMF re Tochal
Development Inc.

Hi Riley,

Please let us know the next steps we can take to engage the MMF on this matter.

We look forward to working with your office.

Thanks!

John S. Wintrup

JOHN C. WINTRUP

Begin forwarded message:

From: Consultation
<consultation@mmf.mb.ca>
Date: August 10, 2023
at 9:11:44 PM GMT+1
To:
info@tochalconsulting.com,
contact@tochalinc.com
Cc: Jasmine Langhan
<jasmine.langhan@mmf.mb.ca>, Marci Riel
<marci.riel@mmf.mb.ca>, Riley Bartel
<riley.bartel@mmf.mb.ca>,
jwintrup@icloud.com
**Subject: MMF re
Tochal Development
Inc.**

Good Afternoon Mr.
Yahypour,

On behalf of Jasmine
Langhan, Director of
Engagement &
Consultation at the
Manitoba Métis
Federation (the
"MMF"), please see
attached letter
regarding Tochal
Development Inc.'s
proposed mixed-use
development in St.
Norbert.

If you have any
questions or
concerns, please do
not hesitate to contact
Mr. Riley Bartel,
Conservation and



Lands Coordinator in
our Energy,
Infrastructure, and
Resource
Management
Department at
[riley.bartel@mmf.mb.
ca](mailto:riley.bartel@mmf.mb.ca)

Thank you,

Averee Fontaine
Consultation
Specialist

Department of
Engagement and
Consultation
MMF - National
Government of the Red
River Métis
300-150 Henry
Avenue
Winnipeg, MB, R3B
0J7
E-mail:
[consultation@mmf.m
b.ca](mailto:consultation@mmf.mb.ca)

This is **Exhibit "X"** referred to in the
Supplementary Affidavit of
John Wintrup sworn before me
this 3rd day of January, 2025

Kevin D. Toyne

A Barrister-at-law entitled to practice
in and for the Province of Manitoba

Janice Finnson

From: Tochal Development Group Inc.<contact@tochalinc.com>
Date: Thursday, March 14, 2024 at 3:57 PM
To: Dustyn Panson <dustyn.panson@mmf.mb.ca>
Subject: Re: Introductory Letter MMF

Hi Dustyn,

Thanks for letting me know.

Wishing you and the MMF all the best.

Best regards,

Mazyar Yahyapour
CEO & President
Tochal Development Group Inc.
204 887 5853

From: Dustyn Panson <dustyn.panson@mmf.mb.ca>
Date: Thursday, March 14, 2024 at 11 :16 AM
To: Tochal Development Group Inc.<contact@tochalinc.com>
Subject: RE: Introductory Letter MMF

Hello Mr. Yahyapour,

I hope you are having a great start to your day. I am reaching out to inform you that the MMF will not be pursuing the Lemay lands at this time. This is due to the increased interest of the property from various groups who aim to protect it. It is not my wish to interfere with their negotiations.

Therefore, I do not believe a meeting today will be required. I thank you for your time and I hope you have a great day.

Thanks,

Dustyn Panson
Senior Policy Analyst
Policy Unit

MMF - National Government of the Red River Métis

300-150 Henry Avenue

Winnipeg, MB R3B 0J7

Office: (204) 586-8474 ext. **395**

Cell: (204) 509-4627

Email: dustyn.panson@mmf.mb.ca



From: Tochal Development Group Inc. <contact@tochalinc.com>

Sent: Wednesday, March 13, 2024 5:54 PM

To: Dustyn Panson <dustyn.panson@mmf.mb.ca>

Subject: Re: Introductory Letter MMF

Hi Dustyn,

Join Zoom Meeting

<https://us02web.zoom.us/j/8227038731?pwd=ZXVTRCsydkhRYS9sNVNGem5POHo0QT09>

Meeting ID: 822 703 8731

Passcode: 822072

See you tomorrow at 1 pm.

Best regards,

Mazyar Yahyapour
CEO & President
Tochal Development Group Inc.

204 887 5853

From: Dustyn Panson <dustyn.panson@mmf.mb.ca>
Date: Wednesday, March 13, 2024 at 12:44 PM
To: Tochal Development Group Inc. <contact@tochalinc.com>
Subject: Re: Introductory Letter MMF

Hello,

Thank you for getting back to me, 1:00PM CST will work for me.

Thanks,
Dustyn Panson
Senior Policy Analyst
Policy and Delivery Unit
Manitoba Metis Federation
300-150 Henry Avenue
Winnipeg, MB R3B 0J7
Office: (204) 586-8474 ext. 395
Cell: (204) 509-4627
Email: dustyn.panson@mmf.mb.ca

From: Tochal Development Group Inc. <contact@tochalinc.com>
Sent: Wednesday, March 13, 2024 9:00:10 AM
To: Dustyn Panson <dustyn.panson@mmf.mb.ca>
Subject: Re: Introductory Letter MMF

Good morning Dustyn,

Would 1 pm be a good time for us to meet?

Best regards,

Mazyar Yahyapour
CEO & President
Tochal Development Group Inc.
204 887 5853

From: Dustyn Panson <dustyn.panson@mmf.mb.ca>
Date: Tuesday, March 12, 2024 at 2:36 PM
To: Tochal Development Group Inc. <contact@tochalinc.com>
Subject: RE: Introductory Letter MMF

Hello Mr Yahyapour,

Anytime after 10:00am CST will work for me. Please let me know what time works for you and I will do what I can to accommodate.

Thanks,

Dustyn Panson
Senior Policy Analyst
Policy Unit

MMF - National Government of the Red River Métis

300-150 Henry Avenue

Winnipeg, MB R3B 0J7

Office: (204) 586-8474 ext. **395**

Cell: (204) 509-4627

Email: dustyn.panson@mmf.mb.ca



From: Tochal Development Group Inc. <contact@tochalinc.com>

Sent: Tuesday, March 12, 2024 1:34 PM

To: Dustyn Panson <dustyn.panson@mmf.mb.ca>

Subject: Re: Introductory Letter MMF

Hi Dustyn,

Please provide me with some available time slots for Thursday, March 14th, so that I can schedule a Zoom meeting.

Best regards,

Mazyar Yahyapour
CEO & President
Tochal Development Group Inc.
204 887 5853

From: Dustyn Panson <dustyn.panson@mmf.mb.ca>

Date: Friday, March 8, 2024 at 2:45 PM

To: Tochal Development Group Inc. <contact@tochalinc.com>

Subject: Re: Introductory Letter MMF

Unfortunately on Wednesday I will be travelling and out of a service area for most of the day. However I would be able to join an evening call on Wednesday, or I can do a Thursday call as you had originally proposed.

Thanks,
Dustyn Panson
Senior Policy Analyst
Policy and Delivery Unit
Manitoba Metis Federation
300-150 Henry Avenue
Winnipeg, MB R3B 0J7
Office: (204) 586-8474 ext. 395
Cell: (204) 509-4627
Email: dustyn.panson@mmf.mb.ca

From: Tochal Development Group Inc. <contact@tochalinc.com>
Sent: Friday, March 8, 2024 11:46:33 AM
To: Dustyn Panson <dustyn.panson@mmf.mb.ca>
Subject: Re: Introductory Letter MMF

Unfortunately, I'm not available until Wednesday. I might have some availability on Wednesday if that works for you.

Best regards,

Mazyar Yahyapour
CEO & President
Tochal Development Group Inc.
204 887 5853

From: Dustyn Panson <dustyn.panson@mmf.mb.ca>
Sent: Friday, March 8, 2024 8:26:52 AM
To: Tochal Development Group Inc. <contact@tochalinc.com>
Subject: Re: Introductory Letter MMF

Hello Mr Yahyapour,

Thank you for getting back to me, is it possible to have the meeting sooner? Perhaps today, if you would like I could also arrange a direct call with our President.

Thanks,

Dustyn Panson
Senior Policy Analyst
Policy Unit
Manitoba Metis Federation
300-150 Henry Avenue

Winnipeg, MB R3B 0J7
Office: [\(204\) 586-8474](tel:(204)586-8474) ext. 395
Cell: [\(204\) 509-4627](tel:(204)509-4627)
Email: dustyn.panson@mmf.mb.ca

From: Tochal Development Group Inc. <contact@tochalinc.com>
Sent: Friday, March 8, 2024 10:20:16 AM
To: Dustyn Panson <dustyn.panson@mmf.mb.ca>
Subject: Re: Introductory Letter MMF

Hi Dustyn,

We are open to hearing what you have in mind and what you have to offer.

Please let me know the best time to talk on Thursday, March 14th or Friday, March 15th, and I will set up a Zoom meeting.

Best regards,

Mazyar Yahyapour
CEO & President
Tochal Development Group Inc.
204 887 5853

From: Dustyn Panson <dustyn.panson@mmf.mb.ca>
Sent: Thursday, March 7, 2024 6:48:07 AM
To: Tochal Development Group Inc. <contact@tochalinc.com>
Subject: Re: Introductory Letter MMF

Hello Mr Yahyapour,

I am more than happy to have this discussion with you. What is your availability? I look forward to hearing from you and have a wonderful day.

Thanks,
Dustyn Panson
Senior Policy Analyst
Policy and Delivery Unit
Manitoba Metis Federation
300-150 Henry Avenue
Winnipeg, MB R3B 0J7
Office: (204) 586-8474 ext. 395
Cell: (204) 509-4627
Email: dustyn.panson@mmf.mb.ca

From: Tochal Development Group Inc. <contact@tochalinc.com>
Sent: Wednesday, March 6, 2024 11:15:45 AM

To: Dustyn Panson <dustyn.panson@mmf.mb.ca>

Subject: Re: Introductory Letter MMF

Hi Dustyn,

Collaboration between Tochal and the MMF can benefit both parties. Areas of cooperation could include land exchange, financial arrangements, business affiliations, MMF acquiring some or all of our lands, investing in new housing projects with Tochal as a partner here or elsewhere or exploring other potential business arrangements.

We are open to exploring various options with the MMF to achieve our mutual goals. Please let me know if the MMF is open to such a discussion.

Best regards,

Mazyar Yahyapour
CEO & President
Tochal Development Group Inc.
204 887 5853

From: Dustyn Panson <dustyn.panson@mmf.mb.ca>

Date: Monday, March 4, 2024 at 6:14 PM

To: Tochal Development Group Inc. <contact@tochalinc.com>

Subject: RE: Introductory Letter MMF

Hello Mr Yahyapour,

I appreciate you being open to a dialogue with the MMF on this matter.

While I can understand your position regarding our offer, I would welcome your views on what your hard work, energy and time has added to the value of the property. This would perhaps give us a better sense of its value, notwithstanding the significant issues impacting the property overall.

I look forward to hearing from you and to carry on this exploratory conversation to a satisfactory conclusion.

Thanks,

Dustyn Panson
Senior Policy Analyst
Policy Unit

MMF - National Government of the Red River Métis

300-150 Henry Avenue

Winnipeg, MB R3B 0J7

Office: (204) 586-8474 ext. 395

Cell: (204) 509-4627

Email: dustyn.panson@mmf.mb.ca



From: Tochal Development Group Inc. <contact@tochalinc.com>
Sent: Monday, March 4, 2024 10:39 AM
To: Dustyn Panson <dustyn.panson@mmf.mb.ca>
Subject: Re: Introductory Letter MMF

Hi Dustyn,

I am delighted to hear from the Manitoba Métis Federation and welcome the opportunity to dialogue with the MMF.

Our journey with these lands began when we acquired this valuable and unique property seven years ago. We dedicated our passion to bringing forward a valuable and unique vision of creating inclusive residential housing and indigenous healing spaces.

A significant amount of hard work, energy and time has been vigorously invested in advancing this vision. Several historical, technical, and engineering studies have been completed. Many hours of engagement have been undertaken with governments, the public and rights holders. And much progress has been made to advance towards our goal to bring much-needed inclusive housing and create spaces that respect and acknowledge the rich history of the Indigenous people with these lands. We're moving forward in 2024 to permanently transform the property with our vision or another lawfully allowed land use.

A reasonable person would not stop the serious and laborious efforts spent over many years in exchange for the low monetary value the MMF perceives in this private property.

Thank you for the admirable efforts, dedication, and passion the MMF has for preserving and promoting pride in the Métis heritage, history, culture and Michif language, and enhancing the respect for the Métis as a distinct people.

Please contact me again as we are elated at the opportunity to converse with the MMF especially if the MMF evolves its perception on the value of the lands for the Métis people.

Best regards,

Mazyar Yahyapour
CEO & President
Tochal Development Group Inc.
204 887 5853

From: Dustyn Panson <dustyn.panson@mmf.mb.ca>
Date: Wednesday, February 28, 2024 at 7:05 PM

To: Tochal Development Group Inc. <contact@tochalinc.com>

Subject: Introductory Letter MMF

Dear Mr. Yahyapour

I hope this email finds you well. I am reaching out on behalf of the Manitoba Métis Federation. Please find attached a letter of interest for your Lemay Forest land in Manitoba. I believe we can work together towards a mutually beneficial agreement.

I look forward to hearing from you. Have a wonderful evening and take care.

Thanks,

Dustyn Panson

Senior Policy Analyst

Policy Unit

Manitoba Metis Federation

300-150 Henry Avenue

Winnipeg, MB R3B 0J7

Office: [\(204\) 586-8474](tel:2045868474) ext. 395

Cell: [\(204\) 509-4627](tel:2045094627)

Email: dustyn.panson@mmf.mb.ca



MANITOBA MÉTIS FEDERATION

300 - 150 Henry Ave., Winnipeg, Manitoba R3B 0J7

Phone: (204) 586-8474 Fax: (204) 947-1816 Website: www.mmf.mb.ca

David Chartrand, LL.D. (hon), O.M.
President

February 28, 2024

Mazyar Yahyapour
Tochal Developments
8 Riverbend Avenue
Winnipeg, MB R2M 2N6

Dear Mr. Yahyapour,

Greetings to you from the Manitoba Métis Federation ("MMF"), the National Government of the Red River Métis. I understand that my dear friend Hussein Abu Hassan has connected with you regarding our interest in the Lemay Forest. Thank you for your willingness to discuss with me the possibilities for the land and property.

As you are likely aware, in the 1800s, the Lemay Forest land and property along the Red River was marked out as river lots owned by the Red River Métis who lived in the region. Historically, and still today, the land and property hold meaning and serve purpose.

Local historians believe that there may be unmarked graves belonging to Red River Métis children from an orphanage that was once on the site of the forest. This possibility creates a sense of sacred trust around the need to preserve the land.

Beyond this sacred aspect of the land is the need to protect the forest and riverbank for ecological, historical, and recreational purposes for Red River Métis and all visitors. As you know, Lemay Forest is one of the last riparian areas in Winnipeg that remains undeveloped, and if possible, the MMF would like to ensure the beautiful natural habitat with significant cultural and historical connections is preserved for generations to come.

I would be pleased to meet with you to explore the prospect of the MMF acquiring the Lemay Forest lands and property, for which we would like to offer \$1,900,000 free of any liens and encumbrances so we can repatriate the land back into our nation's portfolio. I am confident we will come to a mutually beneficial agreement. I am available by phone at 204-509-4627 or by email at dustyn.panson@mmf.mb.ca to arrange a meeting.

Meegwetch,

Dustyn Panson, Senior Policy Analyst
Manitoba Métis Federation

This is **Exhibit "Y"** referred to in the
Supplementary Affidavit of
John Wintrup sworn before me
this 3rd day of January, 2025



Kevin D. Toyne

A Barrister-at-law entitled to practice
in and for the Province of Manitoba

From:

Sent: Thursday, September 5, 2024 7:48 AM

To: CLK-CityClerks <CityClerks@winnipeg.ca>

Subject: Winnipeg.ca : Register to speak to hearing body or submit comments for public hearing matter

The following message was submitted using a Winnipeg.ca email contact form. The validity of the identity of the sender or the information provided cannot be guaranteed.

Sent: Thursday, September 5, 2024 7:48:16 AM

Personal information

Full name: Genevieve Benoit

Email address:

Phone:

Address: 212-428 Portage Avenue

City: Winnipeg

Province or territory: Manitoba

Postal code: R3C 0E2

Public Hearing information

Public Hearing item: Subdivision and Rezoning - 823 Lemay Avenue and Land Located Between 35 de la Digue Avenue and 100 Villa Maria Place (St. Norbert - Seine River Ward) File DASZ 9/2024 [c/r DAV 129079/2024D] Proposed development: Opposition

Service inquiry: Submit comments in writing

Participation preference: N/A

Comments in writing: I am providing the attached letter with submissions as counsel to the Manitoba Métis Federation. Thank you.

File: Ltr to Riel Community Committee - MMF Submissions 09.04.24.pdf

Eligibility: Yes

THIS IS EXHIBIT " 176 " REFERRED TO
IN FILE NO. DASZ 9/2024
DATED THIS 6TH DAY OF SEPTEMBER, 2024



MANAGER OF THE DECISION MAKING PROCESS

MN TRACHTENBERG LAW CORPORATION

Murray N. Trachtenberg
B.A., LL.B.

212-428 Portage Avenue

Winnipeg, Manitoba R3C 0E2

Canada

Legal Assistant

Genevieve Y. Benoit
B.A., J.D.

September 4, 2024

File No.: 2024-11

City Hall
Council Building
510 Main Street
Winnipeg, MB R3B 1B9

"Via electronic submission"

Attention: Riel Community Committee Members

Dear Members of the Committee:

Re: Public Hearing September 6, 2024

**Subdivision and Rezoning – 823 Lemay Avenue and Land Located Between
35 de la Digue Avenue and 100 Villa Maria Place (St. Norbert – Seine River
Ward) File DASZ 9/2024 [c/r DAV 129079/2024D]**

We are counsel to the Manitoba Métis Federation ("**MMF**"). We write to the Riel Community Committee (the "**Committee**") on behalf of our client to oppose the proposed subdivision and rezoning of 823 Lemay Avenue and Land Located Between 35 de la Digue Avenue and 100 Villa Maria Place (the "**Lemay Forest**" or the "**Property**", as appropriate).

Please consider the following written submissions opposing this development.

MMF & RED RIVER MÉTIS

The MMF is well known in the community in Winnipeg and beyond, and it maintains a strong presence in our city. It is the National Government of the Red River Métis.

The Red River Métis is a distinct Indigenous collectivity, also known as the Manitoba Métis, which was an honorific name given to it because it helped to create the province within which we reside. The Red River Métis collectively holds the rights and freedoms referred to in sections 25 and 35 of the *Constitution Act, 1982*. It is one of the Aboriginal peoples of Canada.

The Red River Métis have the right to self-determination recognized in the *United Nations Declaration on the Rights of Indigenous Peoples* and the inherent right of self-government recognized and affirmed by sections 25 and 35 of the *Constitution*. The Red River Métis acts exclusively through its government, the MMF.

On July 6, 2021, the MMF and Canada entered into the *Manitoba Métis Self-Government Recognition and Implementation Agreement* which immediately recognized the MMF is the government of the Red River Métis. The MMF is democratically elected and has the responsibility for providing responsible and accountable self-government to its Citizens.

The MMF is mandated to represent and protect the rights, claims, and interests of the Red River Métis.

MMF'S POSITION

The MMF opposes this development application for subdivision and rezoning for the following reasons:

1. The proposed development is incompatible with the current neighbourhood and is unsupported by the community;
2. The proposed development is incompatible with the historical and current importance of the Lemay Forest to the residents of St. Norbert and Indigenous communities;
3. The proposed development and recommendations do not guarantee that there will be an investigation and identification of the unmarked graves of

which we know there is likely a substantial number of Red River Métis children; and

4. There has been no meaningful consultation with the MMF as the National Government of the Red River Métis.

We will now comment on each of these points in greater detail.

REASONS FOR POSITION

1. NEIGHBOURHOOD & LACK OF SUPPORT

With respect to the incompatibility of the neighbourhood and lack of community support, the MMF acknowledges the importance of and need for affordable housing within our city. In fact, the MMF has an entire department and Minister responsible for Housing within its government to help address this issue. However, it is important to balance the need for housing with the needs of the neighbourhood and community.

There are community groups and Indigenous governments and organizations that have vigorously opposed this development because it does not align with the needs of the neighbourhood and community and is incompatible with the area.

St. Norbert cannot sustain a development of this magnitude. The infrastructure within this area is insufficient to account for this many new housing spaces. A development of this size could lead to safety concerns, and increased traffic implications, among other probable issues. There are other undeveloped areas within the city that would be better suited for a development of this size. The community surrounding the Property has voiced its concerns. The fact that the City has received a development proposal does not in itself warrant the granting of this application. The City must consider a multitude of factors in coming to a decision.

2. IMPORTANCE OF THE LEMAY FOREST

Turning to the second issue which is the importance of the Lemay Forest, the City and the Developer are no doubt aware of the historical and current importance of the Lemay Forest to Indigenous communities which have occupied St. Norbert for generations.

Not only does the Lemay Forest provide a relatively large Urban Forest with obvious environmental benefits, but the Forest has also been a significantly important area for all community members, including the Red River Métis. There is an MMF Local – the St. Norbert Parish – La Barrière Métis Council – whose Citizens have expressed on several occasions deep concerns around the demolishing of the forest.

Clear cutting such a large, forested area within the city will result in negative implications for the environment. There are other areas within the city that are clear of trees that would more appropriately suit a development of this nature.

3. ISSUE OF UNMARKED GRAVES

On the issue of the unmarked graves, we know that there are likely human remains still located in the cemetery on the Property and that there is research left to be done to ultimately determine the final resting place of many infants in that area. To date, this work has been unable to be completed as the Property is now held privately and is not accessible.

Community groups and Indigenous governments and organizations have raised serious concerns about the unmarked graves and the reality is that it is very likely there are a number of Red River Métis children resting there. This is of high concern to the MMF.

The Winnipeg Public Service Recommendations includes a recommendation at item 2(A), for the Developer and the City to enter into a Zoning Agreement that, among other things, at (vi) on page 3, would have the Owner of the Property covenant and promise to maintain the Heritage Area. There is no clear definition as to what exactly this Heritage Area would include, and this does not go far enough to protecting the interests the Red River Métis have in ensuring proper and respectful treatment of its people.

Within the discussion section, there is mention of a Heritage Easement which may begin to address some of the concerns around access and investigation, but this has not been formally included as a recommendation.

The recommendations do not go far enough to address the MMF's concerns including: (1) ensuring the graves are not disturbed; (2) conducting further research to conclusively locate the graves; and (3) being involved in this process considering the possibility of infants resting on the Property likely belong to the Red River Métis collectivity. The MMF does not want them to become the forgotten children.

4. NO CONSULTATION WITH RRM/MMF

Finally, there has been no consultation with the MMF. The MMF is the Government of the Red River Métis and represents its rights, claims, and interests. The Red River Métis, through the MMF, is entitled to consultation on matters which affect it followed by solutions to address its concerns. To date, there has been no meaningful consultation with the MMF with respect to the development plan and application to subdivide and rezone the Property, done by either the developer or the City.

The foundation of truth and reconciliation requires respect for Indigenous rights, and strengthens governance processes, services, and programs through understanding and implementation of municipal responsibilities with respect to those rights.

The City and the MMF have created a positive working relationship. We believe that the City understands and appreciates the importance of upholding Indigenous rights, and moving forward in partnership with Indigenous communities, including the MMF and the Red River Métis, in a spirit of truth, reconciliation, and collaboration.

Collaboration and consultation should have occurred with respect to this matter before the City Planning Department made its recommendations. The Red River Métis should not be left out of decisions which directly impact its interests.

CONCLUSION

In summary, the MMF opposes the development application to subdivide and rezone the Property for all the reasons that we have stated. We would like to thank the Committee for the opportunity to address these issues and for your time.

Yours truly,



GENEVIEVE Y. BENOIT

Cc: Manitoba Métis Federation

This is **Exhibit "Z"** referred to in the
Supplementary Affidavit of
John Wintrup sworn before me
this 3rd day of January, 2025

Kevin D. Toyne

A Barrister-at-law entitled to practice
in and for the Province of Manitoba

Kerry MacDonald

From: Black,Riley (ECCC) <Riley.Black@ec.gc.ca>
Sent: Friday, June 28, 2024 12:07 PM
To: Kevin Toyne
Subject: RE: Lemay Forest MBCA information

Thank you. You as well

Riley

From: Kevin Toyne <ktoyne@hillcounsel.com>
Sent: Friday, June 28, 2024 12:01 PM
To: Black,Riley (ECCC) <Riley.Black@ec.gc.ca>
Cc: Kerry MacDonald <kmacdonald@hillcounsel.com>; John Wintrup (jwintrup@me.com) <jwintrup@me.com>
Subject: RE: Lemay Forest MBCA information

You don't often get email from ktoyne@hillcounsel.com. [Learn why this is important](#)

Thank you for the quick reply, I will review the additional info you have provided.

Enjoy the long weekend,

Kevin D. Toyne
Hill Sokalski Walsh LLP
Litigation Counsel

2670 - 360 Main Street, Winnipeg, MB R3C 3Z3
Phone: 204-954-0751
Fax: 204-943-3934
E-mail: ktoyne@hillcounsel.com

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From: Black,Riley (ECCC) <Riley.Black@ec.gc.ca>
Sent: Friday, June 28, 2024 11:37 AM
To: Kevin Toyne <ktoyne@hillcounsel.com>
Cc: Kerry MacDonald <kmacdonald@hillcounsel.com>; John Wintrup (jwintrup@me.com) <jwintrup@me.com>
Subject: RE: Lemay Forest MBCA information

Thank you for the response.

I am designated as a Game Officer under section 6(1) of the *Migratory Birds Convention Act, 1994*. The intentions of my email was to ensure activities conducted on the property are in compliance with the *Migratory Birds Convention Act, 1994* and the *Migratory Birds Regulations, 2022* as it relates to the protection of nests and eggs of migratory birds from disturbance, destruction and take.

In the report you have sent me, it states that "The majority of breeding bird species detected within the Tochal study area are migratory bird species and in accordance with the *Migratory Birds Convention Act (1994)*,

disturbance or destruction of nests or eggs of migratory birds is prohibited (Government of Canada 2018) during breeding season. The regional nesting period for Winnipeg, as set by Environment Canada, is late-April to late-August (Government of Canada 2018B). Development in accordance to this legal standard will lessen the impact on all wildlife species.”

In addition to the above statement, the *Migratory Birds Regulations, 2022* also protects the nests of Schedule 1 species (e.g. Pileated woodpecker) year round. I will also note that the report you provided me identified Pileated woodpecker as a species within the study area and reference area.

Pursuant to Section 13.17 of the *Migratory Birds Convention Act, 1994*, *A person or vessel that establishes that they exercised due diligence to prevent the commission of an offence under this Act, other than an offence of contravening paragraph 5.2(a), (c) or (d), knowingly contravening paragraph 5.2(b) or contravening section 5.3, shall not be found guilty of the offence.*

It is my understanding that the plan is to conduct large scale tree harvest activities during the 2024 migratory bird breeding season. What measures/due diligence have been implemented to ensure compliance with the *Migratory Birds Convention Act, 1994* and *Migratory Birds Regulations, 2022*?

Thank you

Riley Black
Federal Wildlife Officer – Operations, Wildlife Enforcement Directorate
Environment and Climate Change Canada / Government of Canada
Unit 510- 234 Donald Street
Winnipeg, MB R3C 1M8
Riley.black@ec.gc.ca / CELL : 431-373-8784



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From: Kevin Toyne <ktoyne@hillcounsel.com>
Sent: Monday, June 24, 2024 10:31 AM
To: Black,Riley (ECCC) <Riley.Black@ec.gc.ca>
Cc: Kerry MacDonald <kmacdonald@hillcounsel.com>; John Wintrup (jwintrup@me.com) <jwintrup@me.com>
Subject: RE: Lemay Forest MBCA information

You don't often get email from ktoyne@hillcounsel.com. [Learn why this is important](#)

Hi Riley,

John forwarded me your email. I am the landowner's litigation lawyer. Are you familiar with the boundaries of my client's property? Some of the area commonly referred to as the LeMay Forest is not owned by my client. Please let me know if you require information regarding the boundaries of my client's property.

We are not aware of any migratory bird nests containing live birds or viable eggs having been damaged, destroyed, disturbed or removed during the limited tree removal that has occurred to date.

If your email resulted from a third-party complaint, kindly provide me with the details and complainant's name so we can investigate the specifics of the complaint (assuming the complaint was made in good faith) or advise if we are already aware of the specifics and can address them with you. Local residents frequently trespass on my clients property with their dogs and may be responsible for any issues raised in the complaint. Further, Mr. Wintrup and I have previous experience with another development where local residents frequently made bad faith complaints to various agencies in the hopes of preventing the development from moving forward.

As you may not be aware, some City of Winnipeg staff are supportive of the trees being cleared for development purposes and we previously provided them with the attached report. The boundaries of my client's property are depicted in Figure 1 on page 6 of the PDF as the red study area.

If you require anything further, please do not hesitate to ask but kindly indicate the statutory or regulatory basis for each such request so I may assess same.

Kevin D. Toyne
Hill Sokalski Walsh LLP
Litigation Counsel

2670 - 360 Main Street, Winnipeg, MB R3C 3Z3
Phone: 204-954-0751
Fax: 204-943-3934
E-mail: ktoyne@hillcounsel.com

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Begin forwarded message:

From: "Black,Riley (ECCC)" <Riley.Black@ec.gc.ca>
Date: June 21, 2024 at 9:53:39 AM CDT

To: John Scott Wintrup <john@johnwintrup.com>

Subject: Lemay Forest MBCA information

Good morning

I am a federal wildlife officer with Environment and Climate Change Canada. It was brought to my attention that a project your business is conducting at the Lemay Forest in Winnipeg is set to take place. I have included a few links to helpful resources so that you are aware of the protections of migratory birds, their nests and eggs under the [Migratory Birds Convention Act, 1994](#) and the [Migratory Birds Regulations, 2022](#). It is best practice to avoid conducting tree harvest activities during the nesting periods of migratory birds which are generally during the spring and summer months (see link below). However, certain species have nest protection year round and require additional mitigation measures as described in the links below.

Are you able to let me know if a site sweep has been conducted or is planned to be conducted prior to tree cutting and what the results were of that sweep.

Furthermore, if you have received a permit for nest removal, please forward that to me at your earliest convenience.

Thank you

[Birds protected under the Migratory Birds Convention Act - Canada.ca](#)

[Guidelines to avoid harm to migratory birds - Canada.ca](#)

[General nesting periods of migratory birds - Canada.ca](#)

[Fact sheet: Nest Protection under the Migratory Birds Regulations, 2022 - Canada.ca](#)

[Pileated Woodpecker Cavity Identification Guide - Canada.ca](#)

[Notice: Abandoned Nest Registry - Canada.ca](#)

Riley Black

Federal Wildlife Officer – Operations, Wildlife Enforcement Directorate

Environment and Climate Change Canada / Government of Canada

Unit 510- 234 Donald Street

Winnipeg, MB R3C 1M8

Riley.black@ec.gc.ca / CELL : 431-373-8784



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Our Mission : We protect and conserve the environment, human health, wildlife and their habitat by assessing risk, enforcing legislation and restoring compliance.

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