

**IN THE SUPREME COURT OF CANADA**  
**(ON APPLICATION FOR LEAVE TO APPEAL)**

File No. 42354

BETWEEN:

**ALLAN DOUGLAS WILSON**

Applicant

– and –

OTTAWA POLICE SERVICE BOARD, THE OTTAWA HOSPITAL,  
and CANADIAN JOINT OPERATIONS COMMAND

Respondents

**APPLICANT'S REPLY TO RESPONSES OF ALL RESPONDENTS**  
**OTTAWA POLICE SERVICE BOARD, THE OTTAWA HOSPITAL,**  
**AND CANADIAN JOINT OPERATIONS COMMAND**

Filed pursuant to Rule 28 of the *Rules of the Supreme Court of Canada*, SOR/2002-156, within 10 days of receipt of the Respondents' responses dated June 15, 2026.

**PART I — OVERVIEW**

1. This reply addresses the responses filed June 15, 2026 by the Ottawa Police Service Board ("OPSB") through Gowling WLG (Canada) LLP, the Canadian Joint Operations Command ("CJOC") through the Department of Justice Canada, and The Ottawa Hospital ("TOH"), which filed no independent response but adopted the submissions of OPSB and CJOC in their entirety. All responses were filed on the final day permitted under Rule 27 and are substantially identical in structure and argument.
2. None of the three responses addresses the merits of the underlying Charter claims. None engages with any of the evidence filed in support of those claims. The word "evidence" does not appear in any of the responses. That omission is not inadvertent: the Respondents have consistently failed to respond to the documentary evidence filed in the original proceedings, and they offer no evidence in these responses, statutory or otherwise, to support their procedural positions. The responses rest entirely on a single assertion of jurisdiction, which is factually incorrect and legally unsustainable for the reasons set out below.
3. Corroborating evidence directly supporting many of the underlying Charter claims is anticipated to come to light through related proceedings and documentary disclosures not previously before any court. That anticipated evidence reinforces the public importance of this application and the appropriateness of this Court exercising its supervisory jurisdiction.

## **PART II — COORDINATED MISREPRESENTATION AND CANDOUR TO THE COURT**

4. The three responses advance a coordinated narrative consistent with a disinformation campaign designed to control the judicial record and foreclose, by procedural means, any avenue of review that might expose the Respondents' underlying conduct to scrutiny. That pattern is reflected in identical mischaracterization of the Statement of Claim across multiple endorsements and these responses, coordinated same-day filing, and TOH's adoption of co-Respondents' submissions without independent engagement.
5. Both OPSB and CJOC state that the Applicant alleged a "criminal conspiracy" in the Statement of Claim. That language does not appear in the Statement of Claim. The Applicant advanced civil Charter claims and tortious conduct allegations. The Applicant is fully aware of the distinction between civil and criminal forums. The reproduction of Justice Kaufman's incorrect characterization in coordinated submissions to this Court constitutes a misrepresentation of the pleading before the highest court in Canada.
6. Counsel for the Respondents are officers of this Court and are bound by duties of candour. The misrepresentations advanced in these responses were previously made in proceedings in which litigation privilege afforded insulation from consequences. Any repetition of those misrepresentations, including the false characterization of the Statement of Claim, the false statement that the Applicant failed to address jurisdiction, and the inaccurate description of the separate 2026 proceeding, stated under oath or in sworn affidavit before any court, risks exposure to findings of professional conduct violations and potential liability for perjury. Counsel are on notice accordingly.

## **PART III — EVIDENCE BEFORE THE SUPERIOR COURT THAT WAS NOT ADDRESSED**

7. The OPSB reproduces Justice Kaufman's characterization of the claims as "fantastical claims of surveillance." Justice Kaufman's endorsement did not address any of the following categories of evidence filed as annexes to the Statement of Claim:
  - (a) A signed certification of a Canadian Forces surgeon confirming a surgical procedure performed on a civilian patient in a National Defence Medical Centre, directly corroborating a central allegation dismissed without engagement;
  - (b) Ottawa Police Service records documenting consultation of non-criminal police reports by OPS personnel before and during the Applicant's hospitalizations, establishing operational law enforcement involvement in events characterized by the Respondents as routine clinical encounters;
  - (c) Medical records that are demonstrably altered, internally inconsistent, and in certain instances missing entirely in respect of specific dates and treatment episodes relevant to the Applicant's claims; and
  - (d) A response to a Privacy Act request to the Canadian Security Intelligence Service confirming that the Applicant visited CSIS headquarters to report conduct consistent with the surveillance alleged, which CSIS did not characterize as unfounded.

8. Rule 2.1.01 requires that the frivolous or vexatious character of a proceeding be apparent on the face of the pleading. It does not authorize dismissal of a claim supported by documentary evidence without engaging that evidence. The Court of Appeal has repeatedly confirmed that Rule 2.1.01 "is not for close calls" and is available only in the "clearest of cases": *Khan v. Law Society of Ontario*, 2020 ONCA 320, at para. 15; *Kokic v. Johnson*, 2025 ONCA 4, at para. 6. Those principles were not applied by Justice Kaufman. The Respondents' continued silence before this Court on all four categories of evidence confirms that no response to that evidence exists.
9. TOH filed no independent response and addressed none of the specific allegations or evidence relating to its conduct, including the signed military surgical certification, the altered hospital records, and the involuntary admission records. TOH's reliance on its co-Respondents' procedural submissions, without engaging the evidentiary record that specifically implicates it, is a matter the Court should weigh in assessing the character of the Respondents' conduct throughout these proceedings.

#### **PART IV — THE VOID DIVISIONAL COURT RULING AND THIS COURT'S JURISDICTION**

10. The Divisional Court dismissed the Application for Judicial Review under Rule 2.1.01 solely for want of jurisdiction. A Rule 2.1.01 dismissal confined to a finding of no jurisdiction is not a proper application of that rule, whose scope is limited to proceedings that are frivolous, vexatious, or an abuse of process. A court that acts outside the proper scope of a rule in making an order acts without jurisdiction, and the order is a legal nullity: *Amax Potash Ltd. v. Government of Saskatchewan*, [1977] 2 SCR 576. A void order has no legal effect, cannot be characterized as a "final order" within the meaning of section 6(1)(b) of the *Courts of Justice Act*, and cannot be reviewed by the Court of Appeal in any operative sense.
11. The *Judicial Review Procedure Act*, R.S.O. 1990, c. J.1 ("JRPA"), vests original statutory jurisdiction for judicial review in the Divisional Court. The Court of Appeal has no authority under the JRPA to direct the Divisional Court to exercise jurisdiction it has declared itself not to possess. Where the Divisional Court's ruling is void and no intermediate court can supply a remedy, jurisdiction resides in this Court: *Crevier v. Attorney General of Quebec*, [1981] 2 SCR 220. The Court of Appeal itself, when contacted by the Applicant prior to filing this application, identified this Court as a possible route for review and did not assert itself as the mandatory reviewing forum. That correspondence was included in the application materials filed March 3, 2026. The Respondents have not addressed it.
12. The CJOC assertion that the Applicant "cannot bring his appeal directly to this Court from the Ontario Divisional Court" is incorrect as an absolute rule. Section 40(1) of the Supreme Court Act, R.S.C. 1985, c. S-26 provides for appeal from the highest court in which judgment can be had in the particular case. Where the Court of Appeal cannot supply a remedy for a void Divisional Court order, this Court is the appropriate forum. The Respondents offer no authority for the proposition that a void ruling of the Divisional Court is nonetheless a "final order" amenable to Court of Appeal review.

13. The OPSB notes that Rule 2.1.01 principles have been "clearly articulated" by the Court of Appeal on several occasions, while asserting those principles were properly applied below. That assertion is irreconcilable with an endorsement that dismissed a Charter claim supported by documentary evidence, without engaging the evidence and without applying the required disjunctive test. The fact that the governing principles are well established makes this Court's review more, not less, appropriate.

#### **PART V — THE COLLATERAL PROCEEDING INTRODUCED BY OPSB**

14. The OPSB introduces *Wilson v. Ottawa Police Service et al.*, 2026 ONSC 2410 (CanLII), a decision in entirely separate proceedings, to further support its opposition to this application. The OPSB acknowledges that the Applicant has appealed that decision to the Court of Appeal. A non-final decision under active appeal carries no precedential weight and cannot properly be advanced in support of a position in unrelated proceedings. The OPSB also mischaracterizes the 2026 dismissal as being on the basis that the claim is "frivolous and vexatious," when the decision was for abuse of process, a legally distinct finding. This inaccuracy is consistent with the pattern of misrepresentation identified in Part II.

#### **PART VI — DUE PROCESS AND PUBLIC IMPORTANCE**

15. This application is independently reviewable on the ground of denial of due process. No court has engaged substantively with the Applicant's claims or the evidence supporting them. The Superior Court dismissed the claim nine months after the hearing, without reasons sufficient to engage the legal test and without addressing the documentary annexes. The Divisional Court then dismissed the application for judicial review without addressing the Rule 2.1.01 merits. A litigant whose Charter claims are dismissed without engagement with supporting evidence, and whose procedural avenues of review are then systematically foreclosed, has been denied the protections the rule of law guarantees.
16. Both OPSB and CJOC submit that neither decision raises any issue of public importance warranting this Court's intervention. The systematic use of Rule 2.1.01 to dismiss, without engaging documentary evidence, serious Charter claims against state actors, followed by a jurisdictional ruling that forecloses further review, raises questions of fundamental importance to the integrity of the civil justice system and the enforceability of Charter rights. The Respondents' opposition to the extension of time is opposition to any form of substantive review of their own conduct. Either the Respondents do not regard their own Charter rights as requiring protection by the courts, or they regard the Applicant's rights as beneath that standard. Neither position is consistent with the obligations of state actors in a constitutional democracy.

#### **PART VII — NEW EVIDENCE MOTION**

17. The Applicant intends to bring a motion under Rule 47 of the *Rules of the Supreme Court of Canada* to adduce new evidence bearing on the underlying Charter claims. That motion is appropriately brought following this reply and is not canvassed here. The Applicant will bring a concurrent request under Rule 32 for leave to file that material, with evidence that was unavailable at the time of the proceedings below.

## **PART VIII — CONCLUSION**

18. The responses of OPSB, CJOC, and TOH disclose no valid basis for refusing leave to appeal or opposing the extension of time. The Respondents have advanced coordinated misrepresentations, avoided engaging any of the evidence before the courts below, offered no evidence of their own to support their procedural positions, introduced a non-final collateral proceeding, and maintained complete silence on the documentary record that implicates each of them. Leave to appeal should be granted, the extension of time should be allowed, and this matter should proceed to full argument on the jurisdictional and Charter questions raised.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

Dated this 16th day of June, 2026.



Allan Douglas Wilson  
Applicant, Self-Represented  
Cebu City, Philippines

## **TABLE OF AUTHORITIES**

### **Cases**

*Amax Potash Ltd. v. Government of Saskatchewan*, [1977] 2 SCR 576  
*Crevier v. Attorney General of Quebec*, [1981] 2 SCR 220  
*Khan v. Law Society of Ontario*, 2020 ONCA 320  
*Kokic v. Johnson*, 2025 ONCA 4

### **Legislation**

Canadian Charter of Rights and Freedoms, Part I of the Constitution Act, 1982  
Courts of Justice Act, R.S.O. 1990, c. C.43, ss. 6, 19  
Judicial Review Procedure Act, R.S.O. 1990, c. J.1  
Rules of Civil Procedure, R.R.O. 1990, Reg. 194, Rule 2.1.01  
Rules of the Supreme Court of Canada, SOR/2002-156, Rules 27, 28, 32, 47  
Supreme Court Act, R.S.C. 1985, c. S-26, s. 40(1)