



Department of Justice Canada **Ministère de la Justice Canada**

Civil Litigation Section
National Litigation Sector
Department of Justice Canada
50 O'Connor Street, Suite 500
Ottawa, ON K1A 0H8

Section du contentieux des affaires civiles
Secteur national du contentieux
Ministère de la Justice Canada
50 rue O'Connor, pièce 500
Ottawa (ON) K1A 0H8

Telephone/Téléphone: (343) 552-7218
Fax /Télécopieur: (613) 954-1920
Email/Courriel: Joshua.Toews@justice.gc.ca

August 7, 2026

By E-filing

The Registrar of the Supreme Court of Canada
301 rue Wellington Street
Ottawa, Ontario K1A 0J1

Dear Registrar:

Re: Allan Douglas Wilson v Ottawa Police Service, The Ottawa Hospital, and the Canadian Joint Operations Command – SCC File 42354

The following is the Canadian Joint Operations Command's response to the Applicant's motion to file new evidence in the above noted matter, pursuant to subsection 49(2) of the *Rules of the Supreme Court of Canada*.¹

This Court should dismiss the Applicant's motion. He does not meet the test for fresh evidence on an appeal before this Court.² In particular, the evidence he is seeking to file is neither relevant nor decisive.

The Applicant is attempting to file evidence that he purports shows that he was involuntarily implanted with a biomedical tracking device. However, the determinative issue in the Applicant's leave to appeal application is that he challenged the Ontario Superior Court's order in the wrong forum. The Applicant applied to the Ontario Divisional Court for judicial review of the Superior Court's order. The Divisional Court dismissed his application because he was in the wrong forum. It found that he should have appealed the Superior Court's order to the Ontario Court of Appeal.

The Applicant's new evidence is irrelevant to the issue of the proper forum for challenging the Ontario Superior Court's order. As it is irrelevant, it is also not decisive.

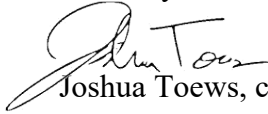
¹ *Rules of the Supreme Court of Canada*, [SOR/2002-156](#), s [49\(2\)](#).

² See *Ethiopian Orthodox Tewahedo Church of Canada St. Mary Cathedral v Aga*, [2021 SCC 22](#) at [para 56](#).

The Applicant continues to be in the wrong forum. He has skipped the Ontario Court of Appeal and is attempting to appeal the Divisional Court's decision directly to this Court. The Applicant's failure to appeal the Divisional Court's decision to the Ontario Court of Appeal is also determinative of his leave to appeal application. The evidence he is attempting to file is equally irrelevant to his decision to skip the Ontario Court of Appeal.

For these reasons, the Canadian Joint Operations Command requests that this Court dismiss the Applicant's motion to file new evidence. The Canadian Joint Operations Command does not seek costs.

Sincerely,

A handwritten signature in black ink, appearing to read 'Josh Toews', with a stylized flourish at the end.

Joshua Toews, counsel for the Respondent, the Canadian Joint Operations Command

cc: Allan Douglas Wilson, Applicant

Anne Tardif, counsel for the Respondent, the Ottawa Police Service

Kim Dullet, counsel for the Respondent, the Ottawa Hospital