

SCC File No. 42354

IN THE SUPREME COURT OF CANADA

(ON APPLICATION FOR LEAVE TO APPEAL FROM THE ONTARIO DIVISIONAL  
COURT)

B E T W E E N:

ALLAN DOUGLAS WILSON

Applicant

- and -

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

Respondents

APPLICANT'S REPLY TO THE RESPONSE OF THE RESPONDENT,  
THE CANADIAN JOINT OPERATIONS COMMAND, TO THE MOTION TO ADDUCE  
NEW EVIDENCE

(Pursuant to Rule 49 of the Rules of the Supreme Court of Canada)

1. This is the Applicant's reply to the response filed by the Respondent, the Canadian Joint Operations Command ("CJOC"), dated August 7, 2026, opposing the Applicant's motion to adduce new evidence in this matter pursuant to section 50 of the Rules of the Supreme Court of Canada.
2. CJOC does not contest the truth or authenticity of the evidence to be admitted, and its sole authority, *Ethiopian Orthodox Tewahedo Church of Canada St. Mary Cathedral v. Aga*, 2021 SCC 22, at paragraph 56, rests on required relevance drawn from *Palmer v. The Queen*, [1980] 1 SCR 759: that the evidence bear upon a decisive or potentially decisive issue. As this Court recognized in *Barendregt v. Grebliunas*, 2022 SCC 22, at paragraph 229, evidence going to a party's current situation may remain decisive regardless of the circumstances in which the underlying decision arrived. Relevance under this test is assessed against the merits of the claim, not against the forum in which it was raised below, and cannot be legitimately displaced by CJOC's void jurisdictional argument. CJOC offers no fact or authority to refute the actual evidence.
3. CJOC's response mischaracterizes the basis of the application to this Court as resting exclusively on a challenge to a void jurisdictional decision, and disregards the constitutional questions clearly raised by the underlying dismissals. Question 1 of the Application for Leave refers expressly to evidence-based Charter claims, and Question 15 seeks dismissal only where no evidence disproving the allegations has been presented. On a fair reading of the Application, the uncontested evidence in the motion is directly relevant to both questions.

4. CJOC's decision to answer the motion with an unsupported procedural objection, rather than engage the evidence on its merits, does not meet the evidentiary burden required to refute a motion of this kind.
5. At the time the Application for Judicial Review was filed in the Divisional Court, no order had issued from the Superior Court despite the Applicant's explicit request for one. It was only after the Judicial Review Application was filed that the presiding judge caused an order to be signed dismissing the Superior Court proceeding for immediate consideration in the ongoing Divisional Court matter, an act that itself contributed to establishing the Divisional Court's jurisdiction. The matter was brought before the Divisional Court under the Judicial Review Procedures Act (JRPA) on grounds of error of law in the Rule 2.1 decision, made without evidentiary support for the dismissal.
6. As stated in the Judicial Review Application, statements questioning the claim's subject matter jurisdiction required reasonable supporting facts before a dismissal could properly issue. No such facts were presented, and section 3 of the Judicial Review Procedures Act permits the Court to set aside a decision made on that basis.
7. CJOC's response continues to disregard facts material to the Applicant's allegations of Charter violations, each of which is supported by evidence in the record, including that:
  - (a) the record documents 115 occasions on which the Applicant's non-criminal records were accessed by the Ottawa Police Service, even when no longer residing in Canada, as particularized at Annex 10 to the Statement of Claim;

- (b) a certification from the Applicant's surgeon confirms that the operative procedure, referred to jokingly by a senior officer as an “operation within an operation,” performed in the year 2000 took place at the National Defence Medical Centre (NDMC) at a time when the Applicant was not a serving member of the Canadian Forces, as particularized at Annex 7 to the Statement of Claim;
- (c) hospital records disclose a deliberate poisoning of the Applicant by an Ottawa Hospital nurse with assumed name “Bonnie” and the administration of anti-Parkinson's medication to control its effects, as particularized at page 13 of Annex 4 to the Statement of Claim;
- (d) a records request from the Ottawa Police Service sought photographs of the Applicant's Taser dart wounds for a stated pilot project on Taser research, as particularized in records held at The Ottawa Hospital and at page 15 of Annex 2 to the Statement of Claim;
- (e) the medical record contains apparent alterations, missing entries, and irregular signatures inconsistent with an intact contemporaneous record, including a missing toxicology screen at page 9 of Annex 2, a signature attributed to A. Morais at page 10 of Annex 2, and altered imprints at page 1 of Annex 13; and
- (f) in a related civil action, the Ottawa Hospital and its counsel have advanced several false diagnoses of the Applicant, which the Applicant states were inserted in responsive pleading to undermine his Charter claims, as set out in the Statement of Defence and the Applicant's response in Court File No. CV-24-00097442-0000.

8. On the question of forum, the Ontario Court of Appeal was not the appropriate forum despite the Respondent's misrepresentations. No appealable order had been made prior to the Divisional Court application, and the endorsement below rests on an unsupported characterization of the Superior Court proceeding.
9. At paragraph 21 of its endorsement, the Divisional Court characterized the Application as drafted like a notice of appeal. The endorsement's reliance on the Applicant's reference to the appellate authority of the Divisional Court conflated that reference with an appeal to the Ontario Court of Appeal.
10. The relief actually sought in the Judicial Review Application did not resemble appellate relief. The Applicant requested review of the decision attributed to Justice Alexandre Kaufman, an order setting aside that decision, and a direction that the matter proceed to a hearing on its merits, none of which is appellate relief.
11. At the first case conference in the Divisional Court proceeding, the Applicant raised the question of jurisdiction directly with the presiding judge, who gave no clear answer. The Rule 2.1 proceedings that followed could not have taken place in the absence of jurisdiction, and yet they did. The endorsement's reliance on *Berentschot* to characterize the Divisional Court as without jurisdiction to review a Superior Court decision is inconsistent with the statutory basis for review of decisions originating in the Superior Court.
12. CJOC's response, like that of its co-respondent, attempts to reverse the burden of proof by attacking the jurisdiction of this Court without evidence or authority to refute the evidence advanced in the motion. This position does not meet the evidentiary burden

required to resist a motion supported by uncontested evidence of Charter violations, and should be rejected.

13. For these reasons, the Applicant respectfully requests that this Honourable Court grant the motion to adduce new evidence and dismiss the objections raised in the response of the Canadian Joint Operations Command.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

Dated at Cebu City, Philippines, this 8th day of August, 2026.



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Allan Douglas Wilson

Applicant, Self-Represented

TO: The Registrar of the Supreme Court of Canada

301 Wellington Street, Ottawa, Ontario K1A 0J1

AND TO: Joshua Toews, counsel for the Respondent, the Canadian Joint Operations Command

AND TO: Anne Tardif, counsel for the Respondent, the Ottawa Police Service

AND TO: Kim Dullet, counsel for the Respondent, the Ottawa Hospital