

February 1, 2021

VIA EMAIL: Registry-Greffe@scc-csc.ca

Registrar
Supreme Court of Canada
301 Wellington Street
Ottawa, ON K1A 0J1

Dear Mr. Registrar:

Re: Eugene NDHLOVU v. Her Majesty the Queen # 39360
Response to application for leave to appeal

The Respondent takes no position on the application for leave to appeal, having regard to this Court's comments in *Ontario (Attorney General) v. G*, 2020 SCC 38, about this case.

However, the Respondent notes that there is currently no disagreement at the appellate level on the issues raised by this appeal, this Court refused to grant leave on the same questions in *R v Long*, SCC No. 38798, and the appeal is resolved through the application of well settled legal principles.

The Respondent does not seek costs.

Yours truly,



Jason Russell
Appellate Counsel

JRR/jrr

cc: Elvis Iginla, Counsel for the Applicant
Moirra Dillon, Ottawa Agent for the Applicant
D. Lynne Watt, Ottawa Agent for the Respondent