

St. John's Archdiocese liable for Mount Cashel abuse settlement

The Archdiocese of St. John's is responsible for paying victims of child abuse at Newfoundland's infamous Mount Cashel Orphanage.

In a decision announced Jan. 14, the Supreme Court of Canada has declined to hear one last appeal from the archdiocese, which has always denied it was responsible for the abuse that occurred at Mount Cashel dating back to the 1950s. The orphanage was run by the Christian Brothers of Ireland, which declared bankruptcy in 2012 while settling abuse lawsuits. The orphanage itself was demolished in 1992.

The archdiocese has argued before the court that it was not involved in the orphanage's day-to-day operations and that the Christian Brothers was a lay organization whose members were not ordained priests of the archdiocese.

The lower court ruling in Newfoundland that exposed the Catholic Church to financial liability could have implications not only in St. John's and across Canada, but the case was also being closely monitored internationally.

Court cases related to what went on at the Mount Cashel orphanage have been ongoing for more than two decades after the Hughes Inquiry in 1989 exposed the abuse suffered by children at the orphanage overseen by the Christian Brothers.

The Archdiocese of St. John's said in a statement it will review the Supreme Court's ruling before commenting, but added: "The Archdiocese of St. John's has immense sympathy for those who suffered abuse at Mount Cashel Orphanage and we ask that all join with us in praying for healing for those who suffer as a result of abuse."

That archdiocese's argument that it did not oversee day-to-day operations at Mount Cashel was at first accepted by the Supreme Court of Newfoundland and Labrador in 2018, which initially ruled in favour of the archdiocese in a case involving four plaintiffs.

But in a unanimous three-judge decision in July of 2020, Newfoundland's court of appeal ruled that the diocese was in fact liable and the Church was ordered to pay out about \$2 million in damages. The case was considered a test case for up to 60 other possible plaintiffs and now more cases are expected to go forward by other abuse survivors or their estates.

"What this means is that in this instance the Church can not claim it has no liability," said Geoff Budden, who was one of the lawyers for the plaintiffs. "The issue of liability has been settled."

He expects more cases will now be filed in relation to Mount Cashel specifically, but how this will impact other cases involving claims of Church liability depends on the circumstances of each case.

“It all depends on what the Church’s relationship to an organization is, and there are many different relationships between organizations and the Church,” Budden told the Canadian Catholic News in a Jan. 14 interview.

“This doesn’t create blanket liability; the appeal decision in Newfoundland was a nuanced decision that was specific to the situation and relationship between the Church and the orphanage here,” Budden said. “I do, however, expect any lawyers who have clients that are trying to prove Church liability will be looking very closely at what the appeal court ruling said and how that may affect other cases.”

Budden said his clients feel vindicated for having demanded that the Catholic Church in Newfoundland and Labrador be held accountable for what happened at Mount Cashel.

“They are very satisfied with what has happened, even though whenever this comes up of course it brings back up all the bad memories of what happened,” Budden said. “It would be wrong to say they are happy, but they are satisfied.”