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St. John's going ahead with parish mergers, despite Vatican ruling

Holy Rosary Parish in Portugal Cove-St. Philips, Nfld.

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The Archdiocese of St. John's ongoing insolvency restructuring will undergo multiple significant developments in the second half of December.

First, a key insurance hearing will take place on Dec. 18 in the Court of Appeal of Newfoundland and Labrador. Legal counsel for the Roman Catholic Episcopal Corporation of St. John's (RCECSJ) will attempt to convince the appellant justice to overturn a 2024 Supreme Court of Newfoundland and Labrador decision that released Guardian Insurance from helping cover the archdiocese's settlement with 351 abuse survivors.

Second, Archbishop Peter Hundt has decreed two parish mergers, also known as extinctive unions. Holy Rosary Church in Portugal Cove will be amalgamated into Holy Trinity Parish in Torbay on Dec. 19, and St. Patrick's Parish in St. John's will be incorporated into St. John the Baptist Parish.

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The Vatican's Dicastery of the Clergy has already twice ruled Hundt did not follow canonical procedure in closing and selling Holy Rosary, and once that he did not abide by proper canon law in the case of St. Patrick's Parish.

One individual who will observe the insurance hearing closely is Geoff Budden, the lawyer who has spearheaded efforts to secure financial compensation for plaintiffs who suffered abuse at the hands of the Christian Brothers of Ireland at Mount Cashel Orphanage in the

1940s, ‘50s and ‘60s or from archdiocesan clergy. In 2020, the appeals court ruled the archdiocese was “vicariously liable” for transgressions committed at the orphanage, as the Christian Brothers of Ireland had filed for Chapter 11 bankruptcy in the U.S. nine years earlier.

Budden, who has represented Mount Cashel survivors dating back to 1999, said he and his representative council colleagues have applied to be limited interveners.

This case could see the judge uphold the lower court’s decision that found the RCESJ’s insurance policies are voided because failing to disclose clerical abuse constituted a material breach of contract. On the other hand, Budden suggested the appeals court could determine the withholding of information was not significant “in the broader context of insurance law and of what was known at the time.”

The RCESJ had a policy with Guardian Insurance from 1980 to 1985.

If the archdiocese prevails, and the decision is upheld on a potential appeal to the Supreme Court of Canada, Budden estimates that “we’re talking a potential $40 million” being made accessible for claimants or their surviving estates. He cautioned that “this is complicated law, but we do see a path for success.”

If the sum does end up meeting Budden’s projection, the RCESJ will be in a position to dole out $90 million of the $121 million for which it is liable. Victims or their living loved ones have already received their share of $36 million over two disbursements.

Nearly $50 million has been raised by selling of parish properties and lands, collecting the dividends of a profitable “Chase the Ace” fundraiser and transferring the title rights for 38 schools to the province.

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Regarding the parish mergers, Hundt, in an email to The Register, said:

"In a legal arrangement with the Supreme Court of Newfoundland and Labrador, the properties of these two parishes, along with many other church properties, were put up for sale in 2022 to provide court-determined compensation to abuse claimants. For all practical purposes, the sale of these church properties resulted in the extinction of the parochial life of these parishes and the need to amalgamate them with another parish."

Newfoundland Catholics were first informed of this news in the Nov. 29-30 bulletins for all the parishes in the greater St. John's area.

Ed Martin, the congregant who originated two successful canon law appeals on behalf of Holy Rosary Church, reviewed both the bulletin announcement and the merger documents. One of the first elements that caught his attention was describing the parish closure in 2022 as "de facto."

"That is a closure that has been overturned not once but twice by the Vatican," said Martin. "Is that de facto? Then he talks about the subsequent sale of the properties of the parish. Well, again, this is a sale that the Vatican has said never should have taken place under canon law. In addition, during the sale, we lost our parish hall and rectory, but the church building itself is owned by somebody who is only holding onto it for the parishioners."

The owner of the building has been identified in local papers as Emad Rizkalla, the founder and CEO of technology company Bluedrop ISM.

Martin said if Hundt abided by the Vatican's 2024 and 2025 rulings, the local Catholic community "would have the parish back in a heartbeat."

Unlike last year, Hundt did not seek out a meeting with Martin and the rest of the Portugal Cove Catholics upon receiving the Vatican's edict, which was dated May 12. According to Martin, Hundt had only issued a response to the ruling very shortly before the bulletin announcement.

"I believe that this went out basically as far as it could — six months plus," said Martin.

Many of the Holy Rosary congregants are not expected to migrate to Holy Trinity Parish. Martin said one of the takeaways from the May 7, 2024, meeting Hundt had with the community in the wake of the first Vatican ruling was just how many people had halted going to Mass altogether.

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"I'd say based upon the comments of people that came to that, I'd say 60 to 80 per cent of the people are no longer attending Mass," said Martin. "That's just tragic. Like the person after person said, 'I am no longer'... and there's even somebody who said, 'I'm now going to

the Anglican church.' Not only is the parochial life of the parish being affected, but the souls of the parishioners are also affected.

Will Martin appeal for a third time? All he will say at present is "we will continue to consult with our canon lawyers."

(Amundson is a staff writer for The Catholic Register.)

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