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Survivors of abuse by members of St. John's Archdiocese won't see their compensation yet

Hundreds of claims filed; details of previous settlements must be verified

Tara Bradbury - Reporter | Posted: April 18, 2024, 9:04 p.m. | Updated: April 18, 2024, 9:04 p.m. | 3 Min Read



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ST. JOHN'S, N.L. — Survivors of abuse by the Christian Brothers at Mount Cashel orphanage and other members of the Roman Catholic Archdiocese of St. John's (RCECS) won't see their compensation until this summer.

Initially expected to have been completed by the end of 2023, the process of adjudicating the victims' claims has been delayed due to the volume of them and is expected to be completed by June 29, Newfoundland and Labrador Supreme Court Justice Garrett Handrigan heard Thursday.

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Almost 370 claims have been filed against the archdiocese and are now in the hands of an independent adjudication panel tasked with determining a liability and value for each one.

Paul Torrie of Toronto-based Global Resolutions Inc., who is leading that panel, attended court in St. John's Thursday along with lawyers representing the archdiocese, claimants, and monitor Ernst & Young to provide an update on the claims process.

The panel has discretion when it comes to considering claims from deceased victims and previous compensation awards, and addressed both those issues Thursday.

Some of the claims have been filed by people acting on behalf of their late spouses and involve estates that have not yet been probated. Lawyers for the claimants proposed a process that would see the claims valued before being probated.

"It's not a reluctance to do what's needed to be done. It's a reluctance to put the claimants through that kind of expense. Some of them are women of modest means in their 90s," lawyer Geoff Budden, one of lawyers representing the abuse survivors, told the court.

In some cases, the abuse victims have already received compensation through other settlements, which they were asked to disclose as part of their current claim. Inaccurate amounts of previous compensation have been discovered on a handful of the claims; for the most part it's a result of small mathematical errors and involved a discrepancy of \$200 or less, Budden said.

"It's important not to overstate the inaccuracies present in the filings," he said in the courtroom.

Seven of the 219 claims his office filed had misreported previous compensation numbers.

"It's not necessarily a reflection of the integrity of the claimant, but a matter of a traumatized claimant coming forward, trying to get this information in by deadline," Budden said.

Geoffrey Spencer, representing the archdiocese, argued it's not enough to ask the claimants to confirm they have not previously received compensation. He pointed out that in some cases, particularly where the survivor has died, claimants may not know those details.

"We all agree on the importance of determining prior settlements. We have to get this right," Spencer said.

The matter will return to court May 10 to establish a protocol for verifying prior compensation, which may require a judicial order compelling third parties, such as the province, to disclose details of settlement claims.

The compensation for the claimants has been a long time coming. The case has been working its way through the courts since 1999, when 39 former residents of the Mount Cashel orphanage filed statements of claim alleging they were abused during the 1940s, '50s and '60s by certain Christian Brothers who ran the facility.

The courts have found the archdiocese vicariously liable for the abuse of children at Mount Cashel and other areas of the archdiocese. The archdiocese has been granted creditor protection for about the past two years, while it sells properties to compile the funds to settle the claims, and has raised just over \$40 million, including \$13 million from the sale of 32 schools on the Avalon and Burin peninsulas to the province.

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