

Nfld. & Labrador

Appeal court holds Catholic church liable for abuse suffered at Mount Cashel

Decision could open floodgates for other survivors to sue archdiocese

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Mount Cashel, pictured here, was a haven for abusers belonging to the Christian Brothers, who unleashed vicious physical and sexual assaults on orphaned children in St. John's. (CBC)

A landmark ruling has deemed the Roman Catholic Episcopal Corporation of St. John's has a responsibility to victims of the horrific abuse suffered by boys at the Mount Cashel Orphanage.

The Newfoundland and Labrador Court of Appeal released its decision on Wednesday, overturning a previous decision by the province's Supreme Court. It's the first time the church has been held responsible for the abuses at Mount Cashel.

It states that while the abuse was suffered at the hands of the Christian Brothers — who were not employees of the local archdiocese — it was the archdiocese who offered them the environment to commit crimes that went unpunished for decades.

"The Archdiocese exercised its authority over the Brothers and the orphanage in many ways, but it also provided the Brothers staffing Mount Cashel with the power, environment and tools to carry out their wrongdoing virtually undetected, while they were supposed to be carrying out the Archdiocese's legitimate objectives of caring for and educating the appellants," the decision reads.

“We have immense sympathy for those who suffered in the past and continue to suffer, as a result of abuse.”

- Archbishop Peter Hundt

The decision will pay dividends for the complainants in the case — victims who suffered abuse at Mount Cashel in the 1940s and 1950s.

The four John Does had successfully sued the Christian Brothers, but had received small portions of the settlements before the organization ceased to exist.

The largest amount owed to a survivor is more than \$1.9 million, with just over \$70,000 paid by the Christian Brothers.

The decision could also prove beneficial for other people who have successfully sued the Christian Brothers over abuse at Mount Cashel but were never paid in full.

It has been three decades since an investigation into allegations of child abuse was reopened after a coverup in the 1970s. The case is still unfolding, with the latest update being a ruling holding the local archdiocese liable. (CBC)

Represented by the St. John's law firm Budden and Associates, the four abuse survivors set out to have the archdiocese cover the rest. A trial judge in 2018 ruled that the archdiocese was not responsible for the damage done by the Christian Brothers.

The survivors appealed to the province's highest court and won. Lawyer Geoff Budden said the archdiocese is now on the hook for millions, but are able to appeal to the Supreme Court of Canada.

"It would be really speculating on my part to say, but if these four received a total award of approximately \$2 million and there's over 60 claimants, we're certainly talking about a substantial amount of money," said Budden.

Budden said his clients, now elderly men, are relieved with the decision after first coming forward in the 1990s and going through criminal and civil trials over the intervening decades.

Archbishop extends prayers while poring over decision

The Roman Catholic Episcopal Corporation of St. John's was successful in staving off interest payments on damages owed. The appeals court ruled it wouldn't have to pay up for those losses, but could be liable for the rest of the money.

The trial judge had assessed the damages owed to the survivors at more than \$2.6 million, though it's not immediately clear how much of that is interest that won't have to be paid.



Archbishop Peter Hundt took over the Archdiocese of St. John's in 2019. (Paula Gale/CBC)

In a statement to CBC News, Archbishop Peter Hundt said they still needed time to go through the ruling of the three appeals judges before making a thorough statement.

"While the Archdiocese of St. John's was never responsible for the operations of the orphanage or the school at Mount Cashel, we have immense sympathy for those who suffered in the past and continue to suffer, as a result of abuse," Hundt wrote.

"We ask for prayers for all those involved in this sad matter."

Abuse left scars for decades

At trial, Budden's legal team called upon psychologists, economists and the men themselves to recount how the abuse they suffered affected their entire lives.

He said some went on to have successful lives, but were always hampered by thoughts of what could have been if they hadn't suffered such abuse so young.



Geoff Budden is one of the lawyers representing the four abuse survivors at Mount Cashel. (Marie Isabelle Rochon/Radio-Canada)

"I don't think anybody sees this as any kind of fair resolution," Budden said of the award of money for their suffering. "No, money doesn't compensate, but harm was done to them, they have suffered losses and they are entitled to this financial compensation."

The archdiocese now has 60 days to mull over whether or not it will pursue the matter further.

Lawyer Mark Frederick, representing the archdiocese, said he is still going through the decision with his client and will follow its lead on whether or not to appeal to the Supreme Court of Canada.

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