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Fate of 30 former Catholic schools — used by 10,500 students every day — remains in question as lawyers debate Mount Cashel insolvency case

Counsel for the provincial government indicates it may be close to settling out of court with the Roman Catholic Episcopal Corp. of St. John's

Tara Bradbury - Reporter | Posted: 17 hours ago | Updated: 17 hours ago | 5 Min Read

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Lawyers representing the Roman Catholic Episcopal Corp. of St. John's, the province, the Newfoundland and Labrador English School District, Mount Cashel survivors and restructuring monitor Ernst & Young appeared in Newfoundland and Labrador Supreme Court in St. John's Monday morning, Feb. 27. - Tara Bradbury

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ST. JOHN'S, N.L. — The matter of close to three dozen schools tangled up in the insolvency case of the Roman Catholic Episcopal Corp. of St. John's was postponed again in court Monday, Feb. 27, with counsel for the province indicating they may be close to settling out of court.

Fifteen lawyers — representing the corporation (RCEC), the province, the Newfoundland and Labrador English School District, Mount Cashel survivors and restructuring monitor Ernst & Young — appeared before Justice Garrett Handrigan in Newfoundland and Labrador Supreme Court in St. John's Monday morning.

The court had been scheduled to hear an application from claimants against the church, seeking to sort out the status of the schools and their potential to become marketable assets as the archdiocese continues selling properties to raise money to settle claims with survivors of sexual abuse.

These acts involved certain Christian Brothers at Mount Cashel in the 1940s, '50s and '60s, and the episcopal corporation has been found vicariously liable for the abuse.

The schools in question are technically still owned by the church but are operated by the school district, which has argued they are protected from being sold because they are still in use.

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More than 10,500 students attend the schools in question.

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Advancing discussions

After an adjournment for about an hour to allow counsel time for private discussion, lawyer Todd Stanley, representing the provincial government, indicated they had come to an agreement on a “protocol to advance these discussions,” with the view of a potential arrangement whereby the province would acquire the RCEC’s interest in the school properties in question.

The matter was originally postponed last November at the request of lawyer Geoff Budden, who represents Mount Cashel survivors, so that discussions could happen; this time, Budden said he was reluctant to agree to another delay.

“We were persuaded that it would be productive to set the matter over for a little less than two months,” he told Handrigan.

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Brother Rice Junior High School on Bonaventure Avenue in centre St. John's used to be Brother Rice (senior) High School under the old Roman Catholic school board. - Joseph Gibbons

The application hearing was rescheduled until mid-April, though Stanley said he was optimistic the date would not be needed and discussions would begin out of court right away.

"We've got a number of issues that we need to sort out, one of which is the actual identification of the properties that we have to discuss, but we've agreed to a protocol for those discussions," he said.

"We are, frankly, optimistic we may be able to come up with an arrangement."

Stanley said he had received authority from the province in the event that a settlement for the purchase of a school interest happens.

An agreed statement of facts names about 30 schools involved in the case, including schools in

- St. John's
- Mount Pearl
- Conception Bay South
- Logy Bay-Middle Cove-Outer Cove
- communities on the Southern Shore
- St. Mary's
- Marystown
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The majority of the properties have been in the RCEC’s possession since the 1950s — some earlier — either through a grant, purchase or lease agreement.

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