



Nfld. & Labrador

N.L. settles Mount Cashel abuse claim for \$750K



Province confirms it is the highest payout to date for one person's abuse allegations at the orphanage

[Rob Antle](#) · CBC News · Posted: Nov 16, 2016 5:59 AM NT | Last Updated: November 16, 2016



Mount Cashel, operated by the Christian Brothers, closed in 1990 and was demolished two years later. (CBC)

The Newfoundland and Labrador government has agreed to pay \$750,000 to settle a lawsuit related to the Mount Cashel orphanage, in the latest chapter of a grim story that began decades ago, but continues to have an impact today.

The province confirmed Wednesday morning it is the highest settlement to date for a case related to Mount Cashel.

The plaintiff, named only as John Doe in court documents, had accused the government of negligence.

- **1989: Notorious Mount Cashel orphanage to close**

John Doe alleged that he was sexually abused at the Christian Brothers-run orphanage, beginning more than four decades ago.

"His experiences, they were truly horrific," said John Doe's lawyer, Will Hiscock.

"This is one of the children who, at a young age, went to the RNC and made a complaint, and that sort of formed the background of the Hughes Inquiry. So there was good evidence, contemporaneous evidence from the mid-'70s, that terrible things were happening to this young man."

John Doe remained at Mount Cashel until the early 1980s.

He alleged that he was sexually abused by several of the Christian Brothers.

John Doe blamed the province, saying the government should have known what was going on, but did nothing.

No formal recognition of liability

According to Hiscock, there was no formal recognition of liability as part of the settlement.

The existence of the settlement, and its amount, was posted on a government website that lists orders-in-council, or decisions made by the provincial cabinet.

"It was a high settlement due to a very strong liability case, we felt, and also some very significant damages," Hiscock said.





Will Hiscock of the law firm Budden & Associates represented John Doe, who alleged sexual abuse at Mount Cashel in the 1970s and 1980s. The provincial government settled the case for \$750,000. (Eddy Kennedy/CBC)

"The man had suffered greatly for many decades, and that was very evident."

The Department of Justice confirmed the \$750,000 settlement amount, but otherwise declined comment, citing "respect for the privacy of the plaintiff."

18 civil suits pending against province

While John Doe's case may now be in the past, there are more in the Newfoundland and Labrador government's future.

According to the Department of Justice, the province is still facing another 18 civil suits related to Mount Cashel.

Hiscock says they involve allegations of abuse from the 1970s and 1980s, when the orphanage was incorporated into the foster care system, and children were sent there as wards of the state.

A separate lawsuit is pending against the Roman Catholic Episcopal Corporation of St. John's.

- [**Former Mount Cashel residents argue church corporation liable for alleged abuse**](#)

That action — which involves residents of Mount Cashel from the 1940s, 1950s and 1960s — is due back in court next month.

According to Hiscock, a decision is expected in that matter in 2017.

Prior settlements

In 1996, the province reached a compensation agreement with about 40 former Mount Cashel residents, totalling more than \$11 million.

All told, the province says there have been approximately 130 settlements made to date, for a total of about \$29.2 million, related to Mount Cashel.

In 2013, the Christian Brothers of Ireland settled with more than 400 people across North America who claimed abuse at the hands of the order, including 160 from Newfoundland and Labrador. The total amount of that settlement was more than \$16.5 million.

- [**Mount Cashel abuse settlement sets stage for more suits**](#)

Because the Christian Brothers are bankrupt in North America, former residents now looking to pursue claims must seek compensation from the province or the church.

Hiscock acknowledges that some people may be surprised that Mount Cashel-related cases are ongoing, nearly a quarter century after the orphanage was knocked down.

But he says it's not unusual for people to come forward later in life.





This memorial remains standing near the former Mount Cashel orphanage site in the east end of St. John's. A residential subdivision and grocery store now occupy the property where the orphanage was located. (Rob Antle/CBC)

"It may be that their kids are at their age that they were when they were abused, or they're just at a point in their life where they feel they've hit rock bottom in some cases," Hiscock said.

He noted that there is no limitation period for child abuse claims in Newfoundland and Labrador when the abuser is in a position of authority.

"These are the debts of the province. The damages are damages that these people have been living with," Hiscock said.

"At the end of the day, it's a question of whether those costs, those tremendous costs, should be borne by the children who were victimized, or by the administrators who allowed it to take place."

