

# Province's Appeals Court rules St. John's RC archdiocese liable for sexual abuse at Mount Cashel in 1950s, '60s

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The now-demolished Mount Cashel Orphanage in St. John's. - File Photo

Unanimous decision reverses a 2018 Supreme Court finding; church has 60 days to decide if it will apply for a Supreme Court of Canada appeal



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In a decision filed Tuesday the Court of Appeal, Newfoundland and Labrador, has unanimously ruled that the Roman Catholic Episcopal Corporation of St. John's is liable for the sexual abuse suffered by orphans at the hands of the Christian Brothers at the former Mount Cashel orphanage in St. John's in the 1950s and 1960s.

That means the archdiocese is liable to pay the damages of the victims.

St. John's lawyer Geoff Budden, whose firm represents the abuse survivors involved in the case, said the appeals court decision is a reversal of a March 2018 decision of the Supreme Court of Newfoundland and Labrador, general division, which denied such liability.

"Our clients are pleased with the decision," Budden said in a news release. "The court of appeal addresses a number of the findings with which the appellants were disappointed following the trial, resulting in a robust and thorough decision which we believe accurately captures the state of the law in Canada with respect to vicarious liability for survivors of sexual abuse."

While not all of their ground of appeal were successful, Budden said "the most significant portion of the judgment for our clients was the reversal of the learned trial judge's findings with respect to the vicarious liability of the (St. John's) archdiocese for the conduct of the Christian Brothers."

In the court decision it states: "...there was a strong connection between the risk of harm the Archdiocese introduced in the community and the materialization of that risk. 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 release from Budden's office notes the finding that the archdiocese is vicariously liable for the sexual abuse perpetrated by the Christian Brothers renders the archdiocese liable to pay the damages of the victims.

In a news release issued by the Archdiocese of St. John's, it states that its legal team will need time to review the lengthy decision before providing further comment.

The archdiocese has 60 days to decide if it will apply to the Supreme Court of Canada to seek leave to appeal the decision.

"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," the release states. "We ask for prayers for all those involved in this sad matter. We continue to move forward, focused on our daily work of building God's kingdom through service, word and worship."

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1 being least likely, and 10 being most likely

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