

# Residential Schools Update—September, 1999

## Archdeacon Jim Boyles, General Secretary

On August 31, Madame Justice Dillon of the B.C. Supreme Court handed down her decision on the case involving sexual abuse at St. George's Residential School in Lytton, B.C. Both the General Synod and the Diocese of Cariboo were defendants. She found as follows:

- Vicarious Liability: "I conclude that the federal Crown and the Anglican defendants are jointly and severally vicariously liable."
- Negligence: "...the greater fault attributed to the Anglican Church is sixty percent."
- Fiduciary Duty: "The Anglican defendants are responsible to the plaintiff for breach of fiduciary duty."
- Third Party Claims: dismissed a claim by the Crown against General Synod, and upheld a claim against the Diocese of Cariboo with regard to a chaplaincy services contract.

This means that the Diocese of Cariboo and General Synod are obliged to pay the plaintiff up to 60 per cent of an agreed upon amount (which is confidential). Our lawyers are considering the possibility of filing an appeal within the 30-day time limit.

The implications of this decision on the other cases are being assessed, but it is clear that it is a significant factor now in developing our future response to these lawsuits.

In a [press release](#), I stated, "We are disappointed by that finding (60 per cent liability assigned to the church) and do not believe that it represents an appropriate share of the government's liability. In the meantime, however, we want to ensure that the plaintiff receives his due settlement as quickly as possible."