Name of Claimant KAWABE, Tomoki Case 1028

Custodian File 5410

REAL PROPERTY

Greater Vancouver		Rural (except V.L.A.)			V.L.A. (except Mission Village)			V.L.A. Mission Village			Total
Sale Price	5% thereof & 12.50	Sale Price	10% thereof	Charges 12.50 & Comm.	Sale Price	Total Award 80% of all Sale Prices: % of Total	Amount	Sale Price	Total Award 125% of all Sale Prices: % of Total	Amount	
		3000.00	300.00	75.00 12.50							387.50

PERSONAL PROPERTY

Motor Vehicles		Boats and Boat Gear					
Sale Price	25% thereof	Sale Price	Nelson Bros. 23.5% of Sale Price	Other Sales 28.5% of Sale Price	Equipment charges paid to purchasers in error. Repay to owners	Amount of Claims for Boat Gear Declared & Not Found & Recorded Now Missing	45% of amount in next preceding column

NETS

Total award for Nets plus Sale Price	Total Claim for Nets Sold, Declared Not Found and Recorded Now Missing	Percentage Total Award to Total Claim	Claim for Nets Sold Declared Not Found, & Recorded Now Missing	Apply % ratio to Claim	Deduct Custodian Sale Price

MISCELLANEOUS CHATTELS

Claim for goods Sold By Auction	Sale Price of Goods Sold By Auction	Rebates of charges 30% of Sale Price	Ratio in % of Sale Price to Claim	Claim for goods Declared Not Found, Recorded Now Missing, & Sold Not Paid	Application of % ratio to amount in next preceding column	Sale Price of goods Sold by Tender	12% of Sale Price

TOTAL RECOMMENDATION 387.50

CASE NO: 1028

JAPANESE PROPERTY CLAIMS COMMISSION

Toronto, Ontario,

May 11, 1948.

IN THE MATTER OF THE CLAIM OF

TOMOKI KAWABE

PROCEEDINGS AT HEARING.

Original

CASE NO: 1028

IN THE MATTER OF THE "INQUIRIES ACT"

PART 1, REVISED STATUTES OF CANADA 1927, CHAPTER 99.

JAPANESE PROPERTY CLAIMS COMMISSION

B E F O R E

(THE HONOURABLE MR. JUSTICE H.I. BIRD, COMMISSIONER).

Toronto, Ontario,

May 11, 1948.

IN THE MATTER OF THE CLAIM OF

TOMOKI KAWABE

PROCEEDINGS AT HEARING.

APPEARANCES:

J.W.G. HUNTER, Esq.,	appearing for the Dominion Government.
F.A. BREWIN, Esq.,	appearing for the Claimant.

A. WATSON, Esq.,	Secfetary.
MRS. D.J. HANDFORD,	Official Interpreter.
A.G. VEITCH, Esq., C.S.R.,	Official Reporter.

TOMOKI KAWABE, the Claimant herein, being first duly sworn, testified through the Interpreter as follows:

DIRECT EXAMINATION BY MR. BREWIN:

Q. Your claim is for real estate in the village, or is it the town of Chemainus?

THE COMMISSIONER: Chemainus, Vancouver Island.

THE WITNESS: Yes.

MR. BREWIN: I am showing you a claim form setting out particulars of real estate other than farm. There is a signature which looks like yours at the bottom. Is that your signature?

A. Yes.

Q. It is? A. Yes.

Q. And is the information which is put in here supplied by you to your solicitors?

A. Yes.

Q. And is it true and correct? A. Yes.

MR. BREWIN: May I tender that as Exhibit No. 1, my lord?

THE COMMISSIONER: Yes.

MR. BREWIN: Particulars of real estate other than farm.

(PARTICULARS OF REAL ESTATE, OTHER THAN FARM, MARKED EXHIBIT NO. 1)

Q. Now, Mr. Kawabe, at the time of the evacuation there were two buildings on this property?

A. Yes.

Q. One was your own personal residence? A. Yes.

Q. And the other was a bunk-house? A. Yes.

Q. What was the bunkhouse used for?

A. The employees were housed there.

Q. The employees of whom? A. My employees.

Q. In what business were you?

A. Lumber contractor.

Q. The bunk-house was used for employees?

A. Yes.

THE COMMISSIONER: You were employed at the Chemainus mill, the Victoria Lumber Company?

THE WITNESS: Yes.

MR. BREWIN: Q. I am showing you a photograph of a building. What is that?

A. That is my residence.

Q. That is your residence? A. Yes.

Q. Perhaps we will put them in together.

I am showing you another photograph. What is that?

A. That is the bunk-house.

MR. BREWIN: They will be put in together?

THE COMMISSIONER: Yes; put them in as one exhibit.

(TWO PHOTOGRAPHS, MARKED EXHIBIT NO. 2)

MR. BREWIN: Q. According to the farm you bought the property somewhere around 1928 for $1,200?

A. Yes.

Q. I see there was at that time an old house on the property?

A. It was almost unuseable.

Q. It was almost unuseable? A. Yes.

Q. And was it demolished, or pulled down after you bought it?

A. It was demolished and rebuilt.

Q. I see you have put in your form and I will not

go over the details, the amounts of money which you spent on the buildings, first of all the house and secondly the bunk-house. It says here that they are the cost of materials only.

A. Yes. I built, myself.

Q. You built it, yourself? A. Yes.

Q. And you have not in these figures put any amount for your own labour?

A. No. I did not include my time of labour.

Q. Have you any documents or papers to show how much you spent on the buildings, or have you lost them?

A. I did have papers but I burned them when I was evacuated.

Q. At the time you left what insurance did you have on these buildings?

A. The residence was insured for $1,000 and the bunk-house was insured for $2,000.

Q. I see you have put in the form that you understand the Custodian increased the insurance on the residence to $1,200?

A. The Custodian increased it by $200 when the policy expired.

Q. I see. Now, perhaps this would be partly hearsay as far as you are concerned, Mr. Kawabe, but is this community still active in the logging business.

THE COMMISSIONER: I know the situation there. Chemainus is a small town on Vancouver Island in which is located one of the largest saw-mills on

the island - the Victoria Lumber Company. I would not say how many people are employed there but it is a very big mill.

MR. BREWIN: Q. Then I notice that there is a suggestion in the valuation furnished to the Custodian that this building, the bunk-house, could only be used for an Oriental boarding house.

A. It was quite suitable for anyone. It had been painted inside and was in quite good shape.

THE COMMISSIONER: The white mill employees on the coast expect most of the trimmings.

MR. BREWIN: The house looks all right, my lord. I would not mind having a house which looked like that, myself.

I suppose my friend will put in the assessed value of the property, or perhaps I can put it in.

MR. HUNTER: It is shown on Exhibit No. 1.

THE COMMISSIONER: Yes.

MR. BREWIN: I see you say here the residence was rented at $20. I suppose that is $20 a month. Did you do that?

A. I did not wish to leave the house empty and so I rented the house cheaply to a friend for $20 a month.

Q. I see.

That is all, thank you.

MR. HUNTER: It is submitted, my lord, that this property was sold for its fair market value.

I tender an appraisal of H. W. Dickie, which appears to be undated, referring to Catalogue No. 707, Lot 47 of Section 18, Map 303 Chemainus.

"This lot is fairly well situated with 60 "foot frontage on Maple Street with a "depth of 120 feet. The dwelling consists "of a living-room 16 by 12, with a nook "about 4 by 6, dining-room 14 by 14, bed- "room 10 by 12, kitchen 12 by 18, and a "glassed-in porch about 10 by 14 on the "ground floor, together with a fully "equipped bathroom. Upstairs, 2 bedrooms "finished and one bedroom not finished. "The interior finish is wood covered by "paper. The floors are in good condition. "Electric light. Foundation of posts on "cement blocks. Two brick chimneys. This "dwelling has a fairly attractive appearance, "with a small but well kept garden in front. "There is also attached a steam bathroom "usual to the Japanese premises, and a "woodshed 12 by 14.

"Immediately back of the dwelling, "there is a large Japanese boarding house, "approximately 40 by 40 of two storeys. "This building is of frame construction, "and the interior is of very rough board "finish, and is cut up into a great many "small rooms, as well as kitchen and dining-

"room. The foundations of this building "are in poor condition. Unless this "building can be used as an Oriental "boarding house, I can see no value in "same, notwithstanding the fact that the "building must have cost at least $1,200 "to construct. It is detrimental to the "main building, as the property as a whole "would demand a better price without the "boarding house. The only value in this "boarding house, I can see, would be the "lumber salvaged from same, and the cost "of dismantling would offset the salvage. "My valuation of this property is $2,500."

Then, apparently at the request of the Custodian there is a further valuation by Mr. H. W. Dickie, referring to the same property, in which he says:

"I have re-examined this property again, "Particularly the boarding house which I "placed at no value in the valuation you "now have.

"I am now inclined to think that "there is a certain value in this building, "as it could be re-arranged for living "quarters for possibly two suites without "a great deal of cost.

"I would place a value on same of "$500, which would make a total value of "the whole property at $3,000."

I would tender these two appraisals as Exhibit

No. 3.

THE COMMISSIONER: When is the second one dated?

MR. HUNTER: Neither of them is dated. Mr. Dickie for some reason did not bother with dates in most of his appraisals. However, I presume the date can be ascertained without much trouble. It might be that, living on the Island, time is not material.

(TWO APPRAISALS, H.W. DICKIE, MARKED EXHIBIT NO.3)

There was only one bid on this property, my lord. It was from James Plester on October 18, 1946.

THE COMMISSIONER: When was the date of the advertisement for sale?

MR. HUNTER: It would be one of the later ones, by the high number on it, No. 707, my lord.

THE COMMISSIONER: Yes.

MR. BREWIN: Have you the date of the actual sale?

MR. HUNTER: Yes; I think so.

It was sold to this chap, Plester, who made the only bid, as at November 5, 1946, for $3,000.

He makes a rather derogatory remark as to the rear of it. I think any derogatory remarks of the purchaser must be regarded with some suspicion. However, he says:

"There is an old hall at the back of this "place which is in a very dilapidated "condition. It is just a firetrap. If I "get the property I shall tear the old hall "down and clean it up."

It will be, of course, interesting to see whether

he actually did that. I think possibly if he did it there may be some cogency in his remarks.

MR. BREWIN: I wonder if there may be some fact on your file about increasing the insurance. I do not know whether it makes much difference, but having regard to $3,200 worth of insurance being put on the building it might throw some light on the matter.

MR. HUNTER: I do not see anything. The master file would show it if it had been done. There is the master file, if you would care to look through it.

MR. BREWIN: I cannot look all through this big file right now.

MR. HUNTER: I see a notation here on the file in several places. I do not know how accurate it is. It is apparently the remark of some one in the Custodian's office:

> "Chemainus did not experience the acute "housing shortage which was common to many "other centres and this property could not "be rented for more than $20 per month and "only from time to time at that figure."

THE COMMISSIONER: Is that all, Mr. Hunter?

MR. HUNTER: That is all, my lord.

THE COMMISSIONER: If you can find that information you wish in the interval, Mr. Brewin, very well.

MR. BREWIN: I see something here right away on it. My friend is more familiar with these files than I am. It appears to be a record of insurance. It shows $1,000 with the National Fire

Insurance, August 26, 1944, renewed; another $1,000 on May 12, 1945, renewed; there seems to be a third policy of $1,000 with the British Empire Assurance Company, which was also renewed; and then three other policies amounting to $4,000 altogether which it says were transferred to the purchaser in 1946.

I wonder if that sheet might be filed.

MR. HUNTER: I will put it in, if you like. I do not know what it means.

THE COMMISSIONER: You have read it into the record now. There is no need to put it in.

MR. BREWIN: There is a little more detail in there, of course.

THE COMMISSIONER: It is available on the record, in any case and can be pursued later when the Government defence goes in.

MR. BREWIN: Yes. It is dated December 12, 1946, and signed by Mr. Bell. It appears to be a summary on the insurance.

MR. HUNTER: Mr. Bell is a man in the office of the Custodian.

THE COMMISSIONER: It is a straight question of valuation?

MR. BREWIN: Yes, my lord.

I think that is all we have on the case, my lord.

THE COMMISSIONER: Very well. Thank you, Mr. Kawabe.

(PROCEEDINGS ADJOURNED SINE DIE)

I hereby certify the foregoing to be a true

and accurate transcript of the proceedings herein.

A.G. Veitch.

"A.G. VEITCH"
Official Reporter.

Case 1028 DEC 12 1947

IN THE MATTER OF a Commission to Investigate Claims of Japanese Canadians for Property Losses.

TO: The Commissioner,
Office of the Custodian,
Royal Bank Bldg.,
Vancouver, B.C.

ACKNOWLEDGED

5410

39

Pursuant to the notice issued on the 26th day of September, 1947, I submit the following claim: Toronto

(1) NAME KAWABE, Tomoki (RCMP) Reg. No. 08590
(Print) Surname Given Name

(2) Pre-Evacuation Address Chemainus, B.C.

(3) Present Address 105 Crawford St., Toronto, Ont.

(4) REAL ESTATE

(a) Street Address (if any) Maple St., Chemainus, B.C. Bush
City or Municipality, Province

(b) Legal description (lot number, block number, section number, etc.) Lot 47 of Section 18, Range 5, Chemainus District, Plan 303.

(c) Type of Real Property (cross out words which do not apply):

(i) ~~Farm~~
(ii) Residence Type of ~~business~~ bldg. Bunk-house for hired men.
(iii) ~~Business~~
(iv) Any other type of property (describe) Bunk-house.

(d) What was your interest in the property (e.g., sole owner, life tenant, joint tenant, owner of one half or one third interest, leasehold, etc.) sole owner.

(e) Fair market value at date of sale (estimate this to the best of your ability):

(i) Land - - - - - - - - - - - - - - - - - $ 500.00
(ii) Buildings - - - - - - - - - - - - - - - $ 4,000.00
(iii) If business, put value on business as going concern (including land and buildings, tenancies, chattels, fixtures, stock-in-trade, goodwill and accounts receivable) - - - - - - - - - - - - - - - $
(iv) Total value (if you cannot give separate values for lands and buildings just fill in total value) - $
(v) Amount at which Custodian sold property and credited your account - - $ 3,000.00

(f) Loss (This figure is arrived at by deducting item (v) from item (iv) - - - $ 1,500.00

(5) PERSONAL PROPERTY

(a) Place or places at which property was left by the claimant at date of evacuation

(b) Type of premises in which property left (e.g., house, warehouse, garage, shed, church basement, etc.)

(c) How stored or packed at time of evacuation

(over)

(d) In whose care was property left at date of evacuation by the claimant. (This question refers to the terms of reference which exclude claims where the property was lost, destroyed or stolen while under the custody, control or management of any person other than the Custodian appointed by the owner of the property. It involves some definite arrangement whereby you appointed someone to take care of the property and such person accepted the responsibility of so doing. Unless such an arrangement was made the question should be answered "in no one's care") _____

_____

_____

(e) Itemized description of personal property which is the subject of the claim:

1. _____ Estimated Value $_____
2. _____ Estimated Value $_____
3. _____ Estimated Value $_____
4. _____ Estimated Value $_____
5. _____ Estimated Value $_____
6. _____ Estimated Value $_____
7. _____ Estimated Value $_____
8. _____ Estimated Value $_____
9. _____ Estimated Value $_____
10. _____ Estimated Value $_____

TOTAL CLAIM FOR PROPERTY LOSS $_____

N.B.—If you cannot list all the items here prepare a separate list with values set out opposite each item and attach it to the form. The item "personal property" includes shares, bonds, mortgages, loans, notes and all other forms of property not included in real estate.

(f) Total claim including real and personal property (this figure can be arrived at by adding items 4(f) and 5(e) - $ 1500.00

(6) (a) Place at which claimant prefers to be heard. (Vancouver, Kamloops, Nelson, Lethbridge, Moose Jaw, Winnipeg, Toronto or Montreal.)

Toronto

(b) Do you require the services of an interpreter at the hearing? Yes or no No

N.B.—This Declaration must be sworn before a Commissioner, Notary Public or other person entitled to take declarations. All lawyers are qualified to do so.

DOMINION OF CANADA)
County of York)
TO WIT:)

I, Tomoki Kawabe of the City
of Toronto in the Province of Ontario

DO SOLEMNLY DECLARE THAT:

The information set out in the form above is true and correct to the best of my knowledge, information and belief and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of 'The Canada Evidence Act".

DECLARED before me at the City)
of Toronto)
in the County of York)
this 2nd day of December)
A.D. 1947.) T. Kawabe

R A Best A Commissioner &c.

N.B. — THIS FORM FULLY COMPLETED AND SWORN BEFORE A COMMISSIONER SHOULD BE MAILED BY REGISTERED MAIL TO THE COMMISSIONER, c/o THE OFFICE OF THE CUSTODIAN, ROYAL BANK BLDG., VANCOUVER, B.C., BEFORE NOVEMBER 30th, 1947. IF YOU CANNOT MAIL IT BEFORE THIS DATE SET OUT BELOW REASONS FOR THE DELAY.

_____

_____

_____

_____

KAWABE, Tomoki
(Claimant's Name)

REAL ESTATE
(Other than farm)

08590
Reg. No.

Type of Premises (e.g. House, Store, etc.)	No. of Rooms	Type of Finish	Use of Premises	Size of Lot	When Purchased	Date of Purchase
(a) Bunk House	5 Rooms in ground and first floor top floor partitioned and 4 room dwelling	Frame	Bunk House	60 x 120'	1928	(?)
(b) Residence	11 Rooms including pantry	Frame & shingle	Residence			

Type of Locality: Village

Cost Price: (b) $1200 old house

Improvements made by Claimant

		Cost of Mat. only	
(1) 1928	Roof, Verandah, Bunk room	$200.00	
	Bath Toilet & Separate tank	150.00	
1929	Sewer	160.00	
	part	100.00	
1940	Change all foundation	200.00	
	Water Main	80.00	
	Install water pipe	50.00	
1941	Rebuild House	1800.00	
	Garden	100.00	
	Fence	50.00	2890.00
(2) 1930	24'x 26 full basement 1 toilet 4 rooms Single Roof	1000.00	
1931	16 x 43'	1800.00	
		80.00	
		75.00	2955.00

Estimated Value Date of Sale: $4500

Comments re upkeep of premises:

Comments re Appraiser's report not covered above:

Assessed land $200.00

Improvement 3500.00

Residence rented at $20.00

Total Insurance put on by Custodian $3200- $200 residence
2000 bunk house
increased $200 by Custodian

(N.B. growing population)

EXHIBIT No. 1028-1
DATE 11 may 1948.
FILED BY E. a. Brewer

T. Kawabe
Signature



Cat. #707

EXHIBIT No. 1028-2
DATE 11 May 1948
FILED BY
L-A. Brown

File # 5410



Cat. # 707

File # 5410

5410

Catalogue #707

Lot 47 of Section 18, Map 303, Chemainus.

This lot is fairly well situated with 60 foot frontage on Maple St. with a depth of 120 feet. The dwelling consists of a living room 16 x 12, with a nook about 4 x 10, dining room 14 x 14, bedroom 10 x 12, kitchen 12 x 18, and a glassed-in porch about 10 x 14 on the ground floor, together with a fully equipped bathroom. Upstairs, two bedrooms finished and one bedroom not finished. The interior finish is wood covered by paper. The floors are in good condition. Electric light. Foundation of posts on cement blocks. Two brick chimneys. This dwelling has a fairly attractive appearance, with a small but well kept garden in front. There is also attached a steam bathroom usual to the Japanese premises, and a woodshed 12 x 14.

Immediately back of the dwelling, there is a large Japanese boarding house, approximately 40 x 40 of two storeys. This building is of frame construction, and the interior is of very rough board finish, and is cut up into a great many small rooms, as well as kitchen and dining room. The foundations of this building are in poor condition. Unless this building can be used as an Oriental boarding house, I can see no value in same, notwithstanding the fact the building must have cost at least $1,200 to construct. It is detrimental to the main dwelling, as the property as a whole would demand a better price without the boarding house. The only value in this boarding house, I can see, would be the lumber salvaged from same, and the cost of dismantling would offset the salvage. My valuation of this property is $2,500.

see over

Valuator.

EXHIBIT No. 1028-3
DATE 11 May 1948
FILED BY J. W. G. Hunter

5410

Catalogue #707

Lot 47, Map 303, Chemainus.

I have re-examined this property again, particularly the boarding house which I placed at no value in the Valuation you now have.

I am now inclined to think that there is a certain value in this building, as it could be re-arranged for living quarters for possibly two suites without a great deal of cost.

I would place a value on same of $500.00, which would make a total value of the whole property at $3,000.00.

Valuator.