Name of Claimant HAYASHI, Kisaku Case 138

Custodian File 3313

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	
1300	65.00 12.50										77.50

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	77.50

X CASE NO: 138.

JAPANESE PROPERTY CLAIMS COMMISSION.

Vernon, B. C.,
February 16th, 1948.

IN THE MATTER OF THE CLAIM OF
KISAKU HAYASHI.

PROCEEDINGS AT HEARING.

Original.

CASE NO: 138.

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).

Vernon, B. C.,

February 16th, 1948.

IN THE MATTER OF THE CLAIM OF

KISAKI HAYASHI.

PROCEEDINGS AT HEARING.

APPEARANCES:

J.W.G. HUNTER, Esq., appearing for the Dominion Government.

R.J. McMASTER, Esq., appearing for the Claimant.

A. WATSON, Esq., Secretary.

D.J. HANDFORD, Esq., Official Interpreter.

T.P. HORROBIN, Esq., Official Reporter.

KISAKI HAYASHI, the claimant herein, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. McMASTER:

Q Witness, is this your signature on the claim form and did you swear that declaration? He understands a certain amount of English.

A Yes.

Q Perhaps we might carry on in English as well as we can, my lord, and if he needs an interpreter he can ask for it. Witness, did you instruct Mr. Leckie to prepare the statement with regard to your real estate claim?

A Yes.

Q And is this the statement? A: Yes.

Q Would you be good enough to sign it? Are the contents of that statement true to the best of your knowledge and recollection?

A Yes.

(STATEMENT MARKED EXHIBIT NO. 1).

MR. McMASTER: I would just like to draw attention to a few things in the statement, my lord. The Reporter needn't take it down. (Reading). His claim is for $2000.00, my lord. It doesn't appear very clearly there and I would suggest you make a note of it. (Reading). I think those are the material facts in relation to the statements he has made.

MR. HUNTER: My lord, it is submitted that this property was sold for its fair market value. I should like to point out I think my friend has made a mistake when he states the appraiser states the floors are in bad repair. Where that statement is made

he is referring to the cellar or basement.

THE COMMISSIONER: Are you filing the appraisal report, or would you prefer to leave it until later?

MR. HUNTER: I don't think we have a copy as yet, my lord. My friend has a copy of it, I think. This is not a V.L.A., it is one by Loewen & Harvey Limited. I should also like to draw to your Lordship's attention the improvements for which my friend is making claim to increased value. Most are repairs, not improvements.

CROSS-EXAMINATION BY MR. HUNTER:

Q Mr. Hayashi, who was this Japanese who offered you $2000.00 for the property?

A I don't know the name, but one day he called at my place and asked me and offered $2000.00 for the house.

Q It is just some vague chap who came in and offered you $2000.00 and went away and you have never seen or heard of him since, is that correct?

A He is looking at houses around there and I told him --

THE COMMISSIONER: Mr. Hunter, I wonder if you would mind standing over to the left side of the counsel table.

Q Witness, if you turn around and face me it will be easier for me to hear you.

A --and I showed him one house just across the street from my house, the second place from the corner, and I told him that house is for sale. He says he

went already and called there and it was sold a little while ago, and he said the house sold for $2000.00.

MR. HUNTER: Q: He just lived across the street, did he? A: Yes, the second house from the corner.

Q You don't know his name?

A I beg your pardon?

Q How long had he lived there, do you know?

A Oh, I don't know.

Q As long as you were there? A: Oh yes.

Q And you don't know his name? A: The man that bought that place?

Q No, the man who offered you $2000.00?

A I don't know his name.

MR. McMASTER: He is the same man he is apparently talking about. I think you have it confused.

THE COMMISSIONER: He has not made himself clear.

Q You understand, witness, you must speak up so you can be heard? A: I beg your pardon?

Q You must speak up so you can be heard.

MR. HUNTER: Q: Is this chap who offered you $2000.00 the chap who lived across the street?

A Well, I told him I wouldn't sell my house.

Q Wait a minute, just answer my question first of all. Is this chap you are describing as having lived across the street, is that the person who offered you $2000.00 for your house?

(Question Interpreted).

A No, he was a different person.

Q What is it about this chap who lived across the street? I don't understand what you are talking about.

THE INTERPRETER: A: The man who lived across the road came and offered him $2000.00 for his house. That was a mistake on his part. The man who lived across the road, one door from the corner, came and offered him $2000., but he refused.

MR. McMASTER: My lord, my interpreter instructs me that is not exactly what he is saying.

THE COMMISSIONER: If he is just as difficult to understand in Japanese as in English, I am not surprised.

MR. McMASTER: My lord, I don't know.

THE INTERPRETER: I think I have what he is driving at. He had me confused, too, my lord.

A A certain person whose name he doesn't know offered him $2000.00 for his house, and he said he wouldn't sell and recommended him to go to the man who lived one door from the corner.

THE WITNESS: Yes, that is right.

THE COMMISSIONER: Q: Well, with what result?

THE INTERPRETER: A: And when he approached the man at the house next to the corner, he found the house was already sold for $2000.00, he said.

MR. HUNTER: Q: I see. You don't know whether it was sold for $2000.00. That is just what you heard, is that true?

THE WITNESS: A: Yes.

Q Now, this cellar of yours is a very low cellar, isn't it? A: Yes.

Q About five feet high?

A About five feet high, yes.

Q A poor floor? A: I beg your pardon?

Q A poor floor in it? A: No, I got a new floor on it.

Q The cellar? A: No, no floor in the cellar, no. Just cement foundation.

Q And no furnace, is there?

A Nofurnace.

Q The back of the cellar is open, isn't it?

A Yes, that is right.

Q You have never been in the real estate business, have you?

THE COMMISSIONER: Did the witness answer?

MR. HUNTER: He shook his head, my lord.

A No.

MR. HUNTER: That is all, my lord. It is just a straight question of valuation.

THE COMMISSIONER: Is there any re-examination, Mr. McMaster?

MR. McMASTER: No, my lord.

THE COMMISSIONER: Thank you, Mr. Hayashi. That is all we require of you.

(Witness aside)

(PROCEEDINGS ADJOURNED SINE DIE)

I hereby certify the foregoing to be a true and accurate transcript of the proceedings herein.

T.P. Horrobin

"T.P. HORROBIN"
Official Reporter.

Case No 138

NOV 25 1947 NOTIFIED

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

3313

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

(1) NAME HAYASHI (Print) Surname KISAKU Given Name (RCMP) Reg. No. 02771

(2) Pre-Evacuation Address 248 PRINCESS AVENUE, VANCOUVER, B.C.

(3) Present Address OYAMA, B.C.

(4) REAL ESTATE

(a) Street Address (if any) 248 PRINCESS AVENUE, VANCOUVER, (City or Municipality) B.C. (Province)

(b) Legal description (lot number, block number, section number, etc.)
LOT A / 31 & 32 BLOCK 52 DL 196 NPI.
PLAN 911

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

(i) ~~Farm~~
(ii) Residence ~~Type of business~~
(iii) ~~Business~~
(iv) ~~Any other type of property (describe)~~

(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 - - - - - - - - - - - - - - - - $
(ii) Buildings - - - - - - - - - - - - - - - $
(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) - $ 2000.00
(v) Amount at which Custodian sold property and credited your account - - $ 1300.00

(f) Loss (This figure is arrived at by deducting item (v) from item (iv) - - - $ 700.00

(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") IN CUSTODIAN'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) - $_____

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

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

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)
of)
TO WIT:)

I, Hayashi Hisaky of the District
of Oyama in the Province of British Columbia

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 Kelowna)
in the Province of British Columbia)
this 15th day of November)
A.D. 1947. W H Jackson)

K. Hayashi

A Notary Public in & for the
~~A Commissioner &c.~~
Province of British Columbia

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.

_____

_____

_____

_____

Kisaku Hayashi
(Claimant's Name)

REAL ESTATE
(Other than farm)

EXHIBIT No. 138/1
DATE 16/2/48
FILED BY Mc Master

02771
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
House & premises known as #274 Princess St. Vancouver, BC	7 rooms & (toilet downs & bull bath up-stairs	2 story frame siding (painted) cement foundation; on cement blocks; plastered and papered inside; fir floors (new)	Residence	30± x 90	1939	May 2

Type of Locality	Cost Price	Improvements made by Claimant	Estimated Value	Date of Sale
Residential area	$1600.00 cash.	NB (new fir floors downstairs in 1939 - cost material & labour approx $125.00 new bath tub - cost — " 45 " toilet upstairs " — " 90 (inc plumbing) " " downstairs " — " 90 (" " " fence 90' long in 1941 - cost - 90 Painting wood work & floor in kitchen 20 new sink in kitchen — 25 $475.00	$2000	

Comments re upkeep of premises:
See list of improvements - I also attended to any necessary repairs as required.

Comments re Appraiser's report not covered above: The house was in good condition when I left. I disagree that the floors were poor. new floors were laid downstairs in 1939 (as above) after I bought. I do not see how there could have been any serious depreciation of this property in the 2½ years from my examination to the date of the appraisal (which I am informed was made in Nov 1944). In my opinion the appraisal of this property at $1000.00 is much too low, as was also the sale by the Custodian in Feb 1944 for $1300.

Comments - my house was insured for $2000 and the Custodian rented it for $22.50 per month. In the spring of 1941 a Japanese came to my house and offered me $2000 for the property. I did not consider this offer as I had bought the place for a home and was not in the market to sell. I am of the opinion that the value of the $2000 which I have estimated as of the date of sale by the Custodian represents a fair market value for this property

K. Hayashi
SIGNATURE