Name of Claimant YOSHIHARA, Rinichiro Case 75

Custodian File 6972 - 6977

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	
					491		392.40				392.40

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	392.40

CASE NO: 75.

JAPANESE PROPERTY CLAIMS COMMISSION.

Kamloops, B.C.,

February 12th, 1948.

IN THE MATTER OF THE CLAIM OF

RINICHIRO YOSHIHARA.

PROCEEDINGS AT HEARING.

Original.

CASE NO: 75.

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).

Kamloops, B.C.,

February 12th, 1948.

IN THE MATTER OF THE CLAIM OF

RINICHIRO YOSHIHARA.

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

THE COMMISSIONER: I would suggest we treat this claim as being part of File No. 41, because all you are seeking to do is to bring it in line with the Iwakichi claim, are you not?

MR. McMASTER: No, my lord, I am sorry it isn't in line. This is a separate claim and it will appear from the evidence I put in that while Iwakichi claimed the property was worth $2200.00, this man takes the position he frankly doesn't know real estate values and doesn't know what it is worth. It might be worth $2200.00, but he had made his claim for $1750.00 as a fair value for the whole piece of land, andhe is claiming his half interest and I take it he would be content if recompensed on that basis.

THE COMMISSIONER: All right, treat it as an independent claim.

MR. McMASTER: I think it would be as well to do so, my lord.

THE COMMISSIONER: Call this Case 75 then.

RINICHIRO YOSHIHARA, the claimant herein, being first duly sworn, testified through the Interpreter as follows:

DIRECT EXAMINATION BY MR. McMASTER:

Q Witness, you identify the claim which you have filed with respect to this property in the last case? A: Yes.

Q With respect to the property which is involved in this claim, you are an owner of an undivided one-half interest? A: Yes.

Q And Iwakichi Yoshihara is the owner of the other halfinterest? A: Yes.

Q I produce to you a statement with regard to this property and your interest in it. Did you instruct me to draw this statement and give me the information contained im it?

A Yes.

Q Is that your signature on the statement?

A Yes.

Q And are the statements contained in that true to the best of your knowledge and recollection?

A Yes.

(STATEMENT MARKED EXHIBIT NO. 1)

Q This property is situated about three miles from Haney, is that right, witness?

A Yes.

MR. McMASTER: My lord, I would just like to refer to Exhibit 1 which shows the claim as a one-half interest. The property was bought in 1918 for $1750.00 cash. It had a house and a shed on it, and was cleared and cultivated. With regard to the description of the property this claimant is not taking exception to the Soldiers Settlement Board appraisal except as to the question of value. He makes this comment (reading).

THE COMMISSIONER: I suppose perhaps they did not get together earlier.

MR. McMASTER: I don't think so, my lord, because, frankly, he has larger stakes, as your Lordship is aware.

THE COMMISSIONER: That is your case, is it?

MR. McMASTER: Yes, my lord.

THE COMMISSIONER: Mr. Hunter?

MR. HUNTER: I submit, my lord, as it was with the other co-owner, that this property was sold for its fair market value.

THE COMMISSIONER: Have you any questions?

MR. HUNTER: No. I should just like to point out that in his real estate statement he says, "As indicated in the appraiser's report this is very good land". I would submit that no such claim or statement is made in the farm appraisal report.

THE COMMISSIONER: You better put it in.

MR. McMASTER: This is my copy, my lord, and I am not anxious to part with it. I believe my friend has a copy to file in this case.

MR. HUNTER: I believe the copy would be in the other folder. I haven't even that one.

MR. McMASTER: I think my friend will find this is based on the fact that the appraiser appraised seven acres at $700.00, and having regard to other appraisals that is an indication of very good land, my lord.

MR. HUNTER: It is, to say the least, inferential, my lord. There will be no questions, my lord.

THE COMMISSIONER: All right.

(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

"TP. HORROBIN"
Official Reporter.

ACKNOWLEDGED

DEC 22 1947

Case 75

6972

Reg. No. 14476

Joint Property of R. Yoshihara
and I. Yoshihara

Re- Municipality of Maple Ridge, An undivided one-half interest in and to part 10 acres more or less of the north west quarter of Section 14, Township 12 as shown and coloured green on sketch dep. No. 3418, District of New Westminster. C. of E. 50263.

Value of land at time of purchase	$ 1750.00
½ interest - value	$ 875.00
Recieved from Custodian (½ of Net proceeds of sale)	$ 438.52
Remaining Claims	$ 436.48

Declared before me at the town of Clinton in the County of Cariboo, this 15th day of Dec. 1947 A.D.

F. W. Engeman

STIPENDIARY MAGISTRATE
IN AND FOR THE COUNTY OF CARIBOO

R. Yoshihara

REAL ESTATE
(Farm Land)

14476
Reg. No.

RINCHIRO YOSHIHARA
(Claimant's Name)

1/2 interest

LAND	Acres	Date of Purchase	From Whom	Cost Price	Cleared Uncleared or cultivated at date of Purchase	Improvements at date of Purchase	Estimated value at Date of Sale
Uncleared	3						
Cultivated not planted	1						
Cultivated and not in crop	6	1918	M. Bonelli	$1750 and	10 ac.	house barn & shed	see below
List Crops							
Straws 3 ac							
Asparagus 1 ac							
Hay 3 ac.							
Total	10						

EXHIBIT No. 75-1
DATE 12 Feb 1948
FILED BY R. J. McMaster

IMPROVEMENTS SINCE PURCHASE OTHER THAN BUILDINGS (e.g. cultivation plants, trees or special equipment)

Description	When Made	Cost
Cleared 1½ acre cultivated, planted & replanted		

BUILDINGS

Type	Size	Finish	Date Built	Cost Material	Paid for Labour	Value of Own Labour	Allowance for Depreciation	Estimated Value
As shown on appraisal form except as to values.								

(Owner of other ½ interest made separate claim at Lytton
Iwakichi Yoshihara Con # 41)

Comments re Appraiser's report not covered by above information:

As indicated in the appraisers report this is very good land at least as to 7 acres under cultivation. It is in a good locality on the Dewdney Trunk Road. Despite the suggestion of the appraiser that the dwelling would not be habitable for more than one year, I have received a report from a friend who was recently at the coast that the same buildings are being occupied & used by the present occupants of the land. He reported they had painted the house and it looks quite nice. Accordingly I think the valuator undervalued both the land and buildings. I do not know what a fair value would have been. I understand having no special knowledge. I would think $1750.00 would be a minimum. I understand my Co-owner has placed a value of $2200 odd dollars on the property.

R. Yoshihara
SIGNATURE

RAO/NM

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

DEPARTMENT OF JUSTICE, CANADA

OTTAWA January 7, 1950

152189-1
Re: Japanese Property Claims Commission
Claims #74 & 75, Rinichiro Yoshihara

Dear Sir:

I am in receipt of your letter of the 4th instant and have passed the information to the Deputy Minister of Veterans Affairs for the information of his Minister. I assume that in due course the necessary steps will be taken to offer this property for public sale and that either the claimant or his counsel will be informed.

Yours truly,

for Deputy Minister.

Mr. Justice H. I. Bird,
Law Courts,
VANCOUVER, B.C.

Attention of Mr.Olmsted January 4th 1950.

Deputy Minister of Justice,
Ottawa.

Dear Sir,

Re your file 152189-1
Japanese Property Claims Commission
Claims #74 & 75, Rinichiro Yoshihara

I wish to acknowledge with thanks yours of the 30th ult., advising of the decision of the Minister of Veterans Affairs, relative to Yoshihara's request. I have passed on this information to his Counsel, informing him at the same time that he would be advised when the property is offered for public sale.

I also note the Minister's decision in regard to the return of real property held by the D.V.L.A., which had been acquired from persons of Japanese origin who had served in the Canadian Forces either in the recent or the 1914-18 war. The parties affected are listed as follows, a description of their real property being set opposite the name of each individual:

Claim No.76 - Tom Imada - S.1/2 of S.W.1/4 of Sec.26, Township 12, except part 1.446 acres, shewn on plan 8314.

Claim No.524- Seichi Kinoshita - Lot 1 of Subd.of S.1/2 of S.E.1/4 of Sec.35, Township 10, Map 3130.

Claim No.1204- George Yasuzo Shoji - Lot 2 of 48.03 acre portion of N.E.1/4 Sec.5, Tp.15, Map 3192.

It is possible that there are others, but those listed are the only names which have been given me by Counsel for the owners. He has also informed me that the properties listed have not been sold by the D.V.L.A.

There is one other claimant, Zennosuke Inouye, Claim No.142, whose real property has already been reconveyed to him, so I am informed.

Counsel has also been advised of the Minister's decision in regard to the properties of the veterans before mentioned.

Counsel for all of the persons mentioned is R.J.McMaster, Esq., Royal Bank Building, 675 West Hastings St. Vancouver.

Yours truly,

HIB/W.

RAO/NM

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA December 30, 1949

152189-1
Re: Japanese Property Claims Commission
Claims #74 and #75 - Rinichiro Yoshihara

Dear Sir:

With reference to your letter of the 15th instant, I am now informed by the Acting Deputy Minister, Department of Veterans Affairs, that the question raised by you has been carefully studied and the Minister of Veterans Affairs has the following proposal to advance for your consideration.

He proposes that this property be offered for public sale. Mr. Yoshihara would be eligible to bid on it and if he was successful in this regard adjustments could no doubt be made so that he would suffer no loss on the whole transaction.

One factor which the Minister feels must be taken into consideration in deciding a problem of this kind is that there are a number of veterans residing near the property who object to the presence of Japanese. If these veterans wish to keep Japanese out of the locality they would have to acquire the property themselves.

With regard to claimants who are veterans of the First or Second World Wars, that is, persons of Japanese origin who served in the Canadian Forces, the Minister of Veterans Affairs is of opinion that their properties should be returned to them. I am asked to request you to forward full particulars of the claimants to whom this would apply according to the information available to you.

May I take this opportunity of wishing you the Compliments of the Season.

Yours truly,

for Deputy Minister.

Mr. Justice H. I. Bird,
Law Courts,
VANCOUVER, B.C.

Law Courts,
Vancouver, B.C.
December 15th 1949.

Attention Mr.Olmsted

Deputy Minister of Justice,
Ottawa.

Dear Sir,

Your file 152169-1
Japanese Property Claims Commission
Claims #74 and #75 - Rinichiro YOSHIHARA

The land is described as follows:

Parcel "D" of the North West 1/4 Section 14,
Township 12, Map 4372, N.W.D.
containing 17.38 acres, situate on Rural Route 1,
Whonnock, B.C.

The Appraisal Report bears file number JL 691, which apparently is a Soldiers Settlement Board file number.

Situate on this property is a dwelling, 7 greenhouses, a sawdust barn, and 2 boiler houses, the depreciated replacement value of which was estimated by the S.S.B. Appraiser in 1942 at $6784. The property was sold to the D.V.L.A. at $3689.80.

I trust that this information is sufficient for your purposes.

When you are discussing this matter with the Minister of Veterans Affairs or his office, will you recall to the Minister that I wrote him in regard to several claimants said to be veterans of War I or II, whose property had been acquired by the D.V.L.A. and which claimants also desired to recover their property if available instead of pursuing the claims filed in relation to such properties.
The Minister wrote me at the time, advising that Government policy in relation to return of such property had not been determined, but so soon as it was he would communicate with me. Since then I have had no further communication on the subject from Veterans Affairs.

Since the question is raised again in regard to the Yoshihara property, possibly the Minister would consider return to t heir former owners of other properties which have not been resold by the D.V.L.A. If so, it would be helpful to me to have an early decision on this matter of policy, as I hope to conclude the Inquiry within the next month. Moreover, the D.V.L.A. might find it advantageous to return such properties, and so avoid payment of public money as compensation to some of these claimants.

Yours truly,

HIB/W.

RAO/NM

PLEASE ADDRESS
THE DEPUTY MINISTER OF JUSTICE
OTTAWA

OTTAWA December 9, 1949

152189-1
Re: Japanese Property Claims Commission
Claim #75 - Rinichiro Yoshihara

Dear Sir:

I am in receipt of your letter of the 6th instant. Your purpose is to obtain a decision from the Director of Veterans Land Act, but prior to referring the question to them it will be necessary to furnish the Director with some description of the parcel of land, as otherwise it might take a considerable time to identify it in view of the large number of parcels of land being purchased and sold.

Possibly you may be able to furnish me by return mail sufficient description of the property and locality in order that the Director may be able to draw the file without any extensive search and signify his decision as to whether he wishes to resell to the former owner at the price offered. In the meantime, I would deem it desirable to defer the hearing of argument for a few weeks.

Yours truly,

for Deputy Minister.

Mr. Justice H. I. Bird,
Law Courts,
VANCOUVER, B.C.

Law Courts,
Vancouver, B.C.
December 6th 1949.

F. P. Varcoe, Esq., K.C.,
Deputy Minister of Justice,
Ottawa.

Dear Sir, Re claim #75 - Rinichiro YOSHIHARA

I learned from Counsel yesterday, in the course of hearing argument on the above claim, that the claimant applied some months ago to the Minister of Veterans Affairs for permission to repurchase the property in respect of which the claim is made. Counsel informed me that the property is now held by the Director, Veterans Land Act, and is under lease to a Chinese.

The claimant has offered to pay the D.V.L.A. the price paid to the Custodian for the property in 1943, i.e. $3622.

When I obtained this information, I adjourned the argument, so that I might communicate with you on the subject. If approval is given to the claimant's application, the Government will suffer no loss on this property, except the amount of taxes paid since purchase, with interest on the investment made. Since the property has been rented for some years, it is possible that even that loss will be reduced by the amount of rent recovered.

On the other hand, if the claim is dealt with under the terms of reference, it is likely to result in a recommendation by me for payment of a sum at least equivalent to the purchase price paid by the D.V.L.A., since the property appears to have been sold at a price very much below the fair market value. I understand that Government Counsel is prepared to recommend payment of a sum in excess of $4000.00.

The claimant had erected on this 1.7 acre parcel of land a dwelling, as well as 7 large greenhouses, all 18 ft. wide and an average of 150 ft. long, 2 boiler houses and saw-dust burner. The replacement cost of these structures in 1943 was not less than $15,000.

In the circumstances I felt that I should pass on this information to you for decision as to whether I should defer the hearing of argument until the Minister of Veterans Affairs has an opportunity to reach a decision.

May I have your views on this subject as soon as possible?

Yours very truly,

HIB/W.