Name of Claimant HOSAKI, Takeji Case 893

Custodian File 4779

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	
1000	50.00 6.25										56.25

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	56.25

CASE NO: 893

JAPANESE PROPERTY CLAIMS COMMISSION

(SUB - COMMISSION)

Winnipeg, Manitoba.

September 13th, 1948.

IN THE MATTER OF THE CLAIM OF

TAKEJI HOSAKI

PROCEEDINGS AT HEARING

Original.

CASE NO: 893

IN THE MATTER OF THE "INQUIRIES Act"

PART 1. REVISED STATUTES OF CANADA 1927, CHAPTER 99

JAPANESE PROPERTY CLAIMS COMMISSION

(SUB-COMMISSION)

B E F O R E

(THE HONOURABLE MR. JUSTICE A.G.BUCKINGHAM, SUB-COMMISSIONER)

Winnipeg, Manitoba.

September 13th, 1948

IN THE MATTER OF THE CLAIM OF

TAKEJI HOSAKI

PROCEEDINGS AT HEARING

APPEARANCES:

F.M.FERG, Esq.,	Appearing for the Dominion Government
S.M.CHERNIAK, Esq.,	Appearing for the Claimant.

- - - - - - -

SHIGRU HIRAYAMA, Esq., Official Interpreter.

MARK H. PEARCE, Esq., Official Reporter.

TAKEJI HOSAKI, the claimant herein being first duly sworn, testified as follows:

MR. CHERNIAK: I ask leave to amend, Your Honour. The Claimant in his claim sets out that he owned this property in one half ownership with joint owner Yoshio Hatanaka and that he is claiming full ownership on the basis of certain debts owed him by his co-owner. I have discussed this with the Claimant and I have reached the conclusion that he had no right to make a claim of that type and he is therefore showing the same figures but is only claiming half.

THE COMMISSIONER: That will make this claim - - -

MR. CHERNIAK: $3,000.00 less $2,000.00 is $1,000.00

THE COMMISSIONER: How do you think we should do it, he claims half the amount?

MR. CHERNIAK: That is right, Your Honour. I am withdrawing the personal property claim.

DIRECT EXAMINATION BY MR. CHERNIAK:

Q Mr. Hosaki, I show you a typewritten statement, was this prepared in accordance with your instructions; was this sheet prepared after discussing it with you and getting the information from you? A Yes.

Q Is that your signature?

A Yes.

Q Do you swear the contents to be true to the best of your knowledge and recollection?

A Yes.

MR. CHERNIAK: I tender this as Exhibit 1, Your Honour.

(REAL ESTATE STATEMENT, EXHIBIT 1.)

MR. CHERNIAK: And on behalf of my learned friend I will file his Appraisal as Exhibit 2. This Appraisal is of the Pemberton Realty Corporation Limited, Vancouver and is dated August 23rd, 1944 and reads as follows: "Catalogue #423, 2152 Marine Drive, W. Van., 6/12/775 Lot 55 by 132. This originally was a 5-roomed bungalow, They have added some to the front to use as a store. A very make shift affair. There are 3 living roomsback of the store, also two very poor attic rooms and bath. Value for sale, $2,000.00."

(APPRAISAL, EXHIBIT 2.)

MR. CHERNIAK: The Claimant sets out, Your Honour that this was a dry cleaning, pressing and dressmaking store at the front with a residence at the rear and that it consisted of six rooms, four downstairs and two upstairs. It was frame on a cement foundation, cedar siding painted and paper finish inside. He doesn't remember the size of the lot and I believe that the appraisal, which is very sketchy, also omits that. No, I am sorry Your Honour, the appraisal does indicate that the lot is 55 by 132. In any event this property waspurchased in 1938 at a cost of $2,600. The Claimant sets out that he kept it in good condition and when he bought the property in

1938 the real estate market was considerably lower than in June, 1945, when the property was sold. He says that if the Custodian kept it in as good as condition as we did the fair market value of the property at date of sale was at least $3,000.00. The property was sold in June, 1945. Other than that, Your Honour, it is strictly a matter of value which would more readily be determined in Vancouver.

Q Mr. Hosaki, the man that the government sent down to look at your property in 1944 says that your property or buildings there was originally a 5 roomed bungalow and that you added some to the front to use it as a store; you didn't do that, did you?

A No.

Q It was done before you bought it?

A Yes.

Q They say it is a very makeshift affair, three rooms at the back of the store and also two very poor attic rooms, what do you say about that? A It wasn't very good.

Q It wasn't the kind of property you find in the British property section of Vancouver, but in that area how did it compare with the other houses in that District?

A Very fair.

Q Was that a well settled District or were there a lot of empty lots there?

A Yes, a few empty lots.

Q Were there any other stores in the neighborhood of this one? A For about two or three blocks away, one, that is about all.

Q Otherwise? A It was mostly residential.

MR. FERG: It is submitted, Your Honour, that this property sold at its fair market value.

CROSS-EXAMINATION BY MR. FERG:

Q Mr. Hosaki, I will show you a photograph, is that a picture of the premises for which you are claiming? A Yes, it is.

MR. FERG: I will file that, Your Honour, as Exhibit 3. It is a photograph of 2152 Marine Drive, West Vancouver, B.C. and the picture was taken on May 4th, 1943.

(PHOTOGRAPH, EXHIBIT 3.)

Q Did you, or have you any knowledge of whether your co-owner, at the time of evacuation or since, have ever had an independent person make a valuation of this property?

A No.

Q You say that this property was located in a residential area in West Vancouver?

A Yes.

Q Do you know that there was a zoning by-law there - prohibiting a business to be operated in that particular area? A Yes.

Q But you say you paid $2,600.00 for the property when it was bought in 1938?

A Yes.

Q Who did you buy it from?

A I don't remember now.

Q Was it a Japanese? A No.

Q A Real Estate firm? A No, the owner.

Q You purchased it direct from the owner?

A Yes.

Q And you don't know his name?

A No, I have just forgotten it.

(PROCEEDINGS ADJOURNED SINE DIE)

Certified to be a true and accurate transcript.

(MARK H.PEARCE)
OFFICIAL REPORTER

I, the undersigned Sub-Commissioner hereby certify that the foregoing 6 pages of typewritten matter contain a true and accurate record of the sub-commission held in the law Courts Building, Winnipeg, Manitoba, at the time and date first above mentioned.

(SUB-COMMISSIONER)

Case 893 Wp NOV 28 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.

4799 ACKNOWLEDGED

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

(1) NAME HOSAKI Takeji (RCMP) Reg. No. 13800
(Print) Surname Given Name

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

(3) Present Address c/o L. Tully, Oakville, Manitoba

(4) REAL ESTATE

(a) Street Address (if any) 2152 Marine Drive, W. Vancouver, B.C.
City or Municipality, Province

(b) Legal description (lot number, block number, section number, etc.)
Lot 6, Block 12 of Blocks 7 to 12, District 775 Group 1 New Westminster, District Plan 4595

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

(i) ~~Farm~~
(ii) Residence Type of business Dress making Cleaning and Pressing
(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.) One half ownership but claiming full amount for debts from joint owner Yoshio Hatanaka now out of country.

(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) - - - - as of letter from Custodian Oct. 5/45 $3,000.00 1500
(v) Amount at which Custodian sold property and credited your account - - $2,000.00 1000
(f) Loss (This figure is arrived at by deducting item (v) from item (iv) - - - $1,000.00 500

(5) PERSONAL PROPERTY

(a) Place or places at which property was left by the claimant at date of evacuation
2152 Marine Drive, W. Vancouver, B.C.

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

(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") registered with Custodian

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

1.	Carpet	Estimated Value $ 15.00
2.	3 beds	Estimated Value $ 30.00
3.	Jap. dishes	Estimated Value $ 50.00
4.	stove	Estimated Value $ 5.00
5.	Jap. clothes (or kimona)	Estimated Value $ 20.00
6.		Estimated Value $ 120.00
7.	Amount received by Custodian	Estimated Value $ 90.79
8.		Estimated Value $
9.		Estimated Value $
10.		Estimated Value $

TOTAL CLAIM FOR PROPERTY LOSS $ 29.21

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) - $ 1,029.21

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

(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)
Province of Manitoba)
TO WIT:)

I, Hayako Hosaki of the Municipality
of Oakville in the Province of Manitoba
DO SOLEMNLY DECLARE THAT: I am the wife of said Takeji Hosaki who is in the bush country and cannot be located in time to complete form.
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 Winnipeg)
in the Province of Manitoba)
this 15th day of November)
A.D. 1947.) Hayako Hosaki.

A BARRISTER AT LAW ENTITLED TO PRACTISE IN THE PROVINCE OF MANITOBA.

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.

HOSAKI, Takeji
(Claimant's Name)

REAL ESTATE
(Other than farm)

13800
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
Dry Cleaning & Pressing & Dressmaking store & residence at rear	6 rooms 4 downstairs 2 upstairs	frame on cement foundation cedar siding painted paper finish inside	dwelling & business	don't remember	1938	

Type of Locality	Cost Price	Improvements made by Claimant	Estimated Value Date of Sale
Residential	2600.00	none	3000.00

Comments re upkeep of premises:

kept in good condition

Comments re Appraiser's report not covered above: When I bought the property in 1938 the real estate market was considerably lower than in June, 1945 when the property was sold. If the custodian kept it in as good as condition as we did the fair market value of the property at date of sale was at least $3000.00

893

EXHIBIT No. 893-1
DATE Sept. 12/48
FILLED BY Claimant

T. Hosaki
Signature

ESTABLISHED 1887

Pemberton Realty Corporation Limited

TELEPHONE PACIFIC 8241

418 HOWE STREET
VANCOUVER, CANADA

August 23, 1944.

Catalogue #424.

2152 Marine Drive, W. Van., 6/12/775.

Lot 55 by 132.

This originally was a 5-roomed bungalow, They have added some to the front to use as a store. A very makeshift affair. There are 3 living rooms back of the store, also two very poor attic rooms and bath.

Value for sale . . . . . $2,000.

PEMBERTON REALTY CORPORATION LIMITED.

W G Moore

W. G. Moore.

WGM-JM

EXHIBIT No. 893-2
DATE Sept. 13/48
FILED BY Claimant

HOSAKI, Takeji
2152 Marine Dr. West Vancouver, B.C.
Evac. File 4779



EXHIBIT No. 893-3
DATE Sept. 12/48
FILLED BY Crown

Picture Taken May 4, 1943