4684

FORM "JP" CELTIC CANNERY Vancouver, B.C. FILE No. 4684

# OFFICE OF THE CUSTODIAN

## JAPANESE SECTION

To be completed by persons of the Japanese race having property in any protected area. The proper administration of this property requires such persons to give full particulars as requested in this form.

**PERSONAL INFORMATION**

NAME: YOSHIMAKA Motoharu

HOME ADDRESS: Celtic Cannery, Ft. Blenheim St., Vancouver, B. C.

REGISTRATION NUMBER 08126 SEX: Male AGE: 23

OCCUPATION: Fisherman

(If any business or businesses carried on, state where, under what name and whether carried on by yourself or in partnership with anyone; if partnership, give partner's name.)

EMPLOYER: Himself.

MARRIED? No

NAME OF WIFE OR HUSBAND: ---

ADDRESS OF WIFE OR HUSBAND: ---

NAMES OF ANY LIVING CHILDREN: ---

EXHIBIT No. 793-11
DATE October 17/48
FILED BY C.S.D. Rice

ADDRESS OF CHILDREN: ---

AGE OF CHILDREN: ---

**STATEMENT OF ALL REAL PROPERTY** (Each parcel must be mentioned and particulars given)

1. LOCATION AND DESCRIPTION: None

2. BUILDINGS AND OTHER IMPROVEMENTS:

3. INSURANCE (Give particulars; state where policies are)

4. TAXES (Amount and where payable)

5. ENCUMBRANCES (Including any unregistered claims or deposit of title deed)

6. OCCUPANCY AND LEASES (If vacant so state)

7. STATE WHEREABOUTS OF TITLE DOCUMENTS:

8. STATE IF ANY OTHER PERSON HAS ANY INTEREST:

9. IF FARM LAND STATE CROPS SOWN

**STATEMENT OF REAL PROPERTY OCCUPIED**

1. LOCATION AND DESCRIPTION: Celtic Cannery, Vancouver, B. C.
6 roomed 2 storeyed wooden frame dwelling house. (family)

2. LANDLORD'S NAME AND ADDRESS: Celtic Cannery, Vancouver, B. C.

3. PARTICULARS OF LEASE AND RENT AND DATE TO WHICH PAID: $2.00 per month
All paid up.

4. STATE WHEREABOUTS OF LEASE: None

5. SUB-TENANTS, IF ANY (Give name, address, rent and to what date paid) Family

6. IF FARM LAND, PARTICULARS OF CROPS SOWN: None

**STATEMENT OF PERSONAL PROPERTY OWNED:**

1. GIVE BRIEF DESCRIPTION AND STATE LOCATION OF FURNITURE, FIXTURES, EQUIPMENT AND MACHINERY, STOCK IN TRADE AND PERSONAL EFFECTS:

IN STORAGE HOUSE: 4 bureau(inboxes)4 beds, 4 springs, gramaphone & records, 1 lounge, 1 box childrens toys, 1 radio table, 1-7' saw, 1 table, children black board, 2 box mechanic tools, 1 [illegible] festival dolls, 1 tire, 1 stove, 1 baby carriage, 11 ch[illegible], 3 box glass jars, chimney & roof plate, 1 box sheep woo[illegible]

IN NET HOUSE: 11 pieces as labelled valued at $723.00

(1 gas boat in custody of Navy) #N.W028D

2. HORSES, LIVESTOCK AND OTHER ANIMALS, POULTRY AND PETS
None

3. GIVE THE NAME AND ADDRESS OF ANY PERSON HAVING ANY INTEREST IN, OR CLAIM ON ANY SUCH PROPERTY None

FORM "JP" ( ) FILE No.

4. INSURANCE CARRIED ON ABOVE PROPERTY: $500.00 on furniture Details unkown Policy left at home.

5. MORTGAGES, LIENS AND OTHER CLAIMS ON PROPERTY IN POSSESSION OF OTHERS: None

6. MONEYS OWING TO YOU (State if any of these debts assigned and if so, to whom) None

7. BONDS, DEBENTURES, SHARES, STOCKS OR OTHER SECURITIES (State whereabouts) None

8. BANK ACCOUNTS: Royal Bank of Canada, Main & Hastings, Vancouver, B.C. (Joint account with father.) $132.00

9. LIFE INSURANCE: Sun Life Assurance Co. of Canada, Vancouver, B. C. Beneficiary, father, Shimetaro. $1500.00 #2216793. Policy in owner's possession.

10. INTEREST IN ANY ESTATES OR TRUSTS. None

11. SAFETY DEPOSIT BOX: None

**LIABILITIES:**

1. PERSONAL DEBTS: None

2. TRADE DEBTS: None

**I, the undersigned, hereby voluntarily turn over to the Custodian all my property in the protected area as set out above, excepting fishing vessels, deposits of money, shares of stock, debentures, bonds or other securities, if any.**

I certify that the above information is true and complete and fully discloses all my property of every description in any protected area in British Columbia and sets forth all my liabilities direct and indirect.

Dated this 19th day of April 1942.

(Signature) M Yoshihara

F. Wilbourn
Witness

FOR DEPARTMENTAL USE

INFORMATION FROM R.C.M.P.

Date September 13, 1943

Our File No. 4684

Full Name YOSHIHARA, Motoharu (Mr.)
(Surname in Block Letters)

Registration No. 08126 Male - Female (check) Age Dec. 6, 1918

Former Address Celtic Cannery, Vancouver, B. C.

Date Evacuated April 28, 1942 Naturalized - Canadian-Born - National (check)

Present Address TABER ~~Lethbridge~~, Alberta. 14/10/48

Married - Single (check)

Name of Wife ----

Name of Husband ---

Name of Mother (Nee' OKAZAKI) Fujiye (Deceased) Name of Father Shimetaro - #05847

Names of Children under 16

Requested by ECT Registered with Custodian (Yes or No)

Additional Information Fisherman. Owner of Boat Lic. #3180 N.W.

THE OFFICE OF THE CUSTODIAN: JAPANESE EVACUATION SECTION

## OUTLINE OF INFORMATION REQUIRED TO COMPLETE THIS FILE: No. 4684

Name of Owner of Property YOSHIHARA, Motoharu (Mr.) Registration No. 08126
Address: Police Registration Celtic Cannery, City
As declared Celtic Cannery, Ft., of Blenheim St., City
To which evacuated

Date of First Evac. 28/4/42
Internee or enemy alien relationship Enemy File No.

Family relationships: husband or wife File No.
Children 16 or over File No.
File No.
Father Shimetaro File No. 6022, Mother Fujiye File No. Dec'd

Name of Original Investigator
Bill received Copy sent to Accounting Department
Bill paid Date paid noted on bill

Name and address of Agent for Custodian
Terms of agency

Name and address of Agent for Japanese
Terms of agency

**REAL PROPERTY (Real Estate):**

Property address
Legal description
Search of Land Registry Office
Search of Judgment Book
Vesting order
Certificate of encumbrance
Tax Statement (and date for pre-payment)
Water and other rates
Encumbrances and particulars of each:
Mortgage
Agreement for Sale
Liens
Judgments
Notice of Tax Sale
Others
Insurance—full particulars
Leases or rental arrangements—full particulars
Liquidated or otherwise disposed of—full particulars
Summary of Real Property, as at a given date

**PERSONAL PROPERTY:**

Complete inventory showing various kinds of property:
Stock-in-trade
Equipment
Household goods
Farm implements and tools
Bills receivable and accounts receivable
Choses in action
Interest in an Incorporated Company in any protected area in British Columbia
Fishing vessels sold ~~or undisposed of~~ See 30/10/44
Motor vehicles
Cameras
Radios
Firearms

IN EACH CASE:
Confirmation of ownership
Encumbrances
Where located
In whose care and all particulars
Insurance—full particulars
Liquidated or otherwise disposed of
Summary of Personal Property as at a given date

**LIABILITIES:**

Claims (Bills payable and accounts payable)
Identified
Supported by affidavit
Confirmed
Paid
Dominion Income Tax
Business Tax and Licences
Workmen's Compensation
Summary of Personal Liabilities, as at a given date

**RECAPITULATION:**

Statement of affairs

[redacted]

April 9th, 1945.

TO: File 4684

FROM: Administration Department

CLAIMS

There are no unpaid claims on file at this date.

P. Douet.

## SUMMARY TAKEN FROM VESSELS RECORDS

Date: October 30, 1944

Name: Motoharu YOSHIHARA  Reg. No. 04054  File: 4684

Boat File No.: CUSTODIAN 4684

Name of Vessel: "M.Y.1023" 33' x 7'6"x3' (1925) Vivian 15 HP (1930)

Lic. or Reg. No.: New Westminster 3180

Naval No.: NW.022-D

Owner's Valuation: $700.00

JFVDC Valuation: 345.00 Survey NW. 511

Custodian Valuation: 700.00

Date of Sale: December 31, 1942

Purchaser: Joseph Martin

Signature on Sales Papers: Custodian sale

Selling Price: $345.00

Paid to ~~JFVDC~~ Custodian: 345.00

Supervision Costs: 46.86

Balance due Owner: 298.14

Paid to: Cr. Account of Motoharu YOSHIHARA

Location of Boat at Sale: Coal Harbour (ex New Westminster)

Claims Against Canadian Govt.:

Claim #519 (Inventory) Jos. Martin $20.00 (~~Unpaid~~) Paid

Additional Information:

1

FW

EXHIBIT No 793-10
DATE October 17/48
FILED BY G.R.A. Reid

YOSHIHARA, Motoharu,
Registration No. 08126
File No. 4084

June 28, 1948.

**NET STATEMENT**

| Cust. No. | Description | Japanese Value | Appraised Value | Sale Price |
|---|---|---|---|---|
| 1501 | 5/40 x 7 x 50 - 80 | $ 90.00 | $ | $ 45.00 |
| 1464 | 4/40 x 5⅛ x 50 - 90 | 70.00 | 45.00 | 45.00 |
| 1465 | 10/40 x 9½ x 29 - 90 | 75.00 | 58.00 | 40.00 |
| 1466 | 6/50 x 6¼ x ? - 110 | 40.00 | 20.00 | 20.00 |
| 1467 | 4/40 x 5⅞ x 50 - 85 | 55.00 | 35.00 | 25.00 |
| Unnumbered | 6/40 x 6¼ x 50 - 110 | | | 72.00 |
| Unnumbered | 5¼ x 50 - 75 | | | 5.00 |
| Cannery | 4/40 x 5⅞ x 50 - 64 | | | 50.00 |
| Cannery | 4/40 x 5⅞ x 50 - 75 | | | 25.00 |
| | TOTAL SALES..... | | | $327.00 |

**Unaccounted For:**

| | | | | |
|---|---|---|---|---|
| 1489 | Dog Fish Gear - 1200 hooks | $30.00 | $30.00 | - - - |

EXHIBIT No 793-7
DATE October 14/48
FILED BY Grabiec

(Information supplied by Ins. Co.)

## LIFE INSURANCE

Name YOSHIHARA, Mr. Motoharu
Lethbridge, Alta.

File No. 4684

Reg. No. 08126

Company SUN LIFE

Agency Vancouver

Policy No. 2216793

Premium - $ 30.90

Payable: Annually, Semi-annually x or monthly

Month June Day 1st

REMARKS:

Letter sent 19/5/43

# JAPANESE FISHING VESSELS DISPOSAL COMMITTEE

## RELEASE AND DISCHARGE

FISHING VESSEL: "M.Y.1023"

CLAIM No.: 519-C

REG. or LIC. No.: New Westminster 3180

Owner at Time of Impounding: Motoharu YOSHIHARA, #04054, File 4684

NAVAL No.: NW.022-D

CLAIM PAYABLE TO: Joseph MARTIN

Present Owner: Joseph MARTIN

This vessel was sold by the Secretary of State of Canada acting in his capacity as Custodian as vested owner of the interest of Motoharu YOSHIHARA, on December 31, 1942, to Joseph MARTIN, and as a condition of sale all interest in claim for the loss and/or damage referred to herein was assigned to the purchaser.

While in the custody of the Royal Canadian Navy, this vessel suffered loss to the value of $20.00, as assessed by the surveyor for Naval Service, which sum is approved by the undersigned and accepted as adequate compensation.

In consideration of the payment of the sum of TWENTY DOLLARS AND NO CENTS ($ 20.00)

(of lawful money of Canada) (the receipt of which is hereby acknowledged), we, the undersigned, being the owners and/or mortgagees, shipyard repairers and all others having any interest, claim or demand against the said motor vessel registered at the Port of New Westminster 3180 Official or License No. 3180 DO HEREBY RELEASE and forever discharge His Majesty the King, as represented by Royal Canadian Naval Service or any patrol or auxiliary service, acting through or under the authority of Royal Canadian Naval Service, and all boards, commissions or departments of His Majesty's Canadian Government of and from claims which we may now have or which hereafter may arise and which now could or at any time hereafter be made in consequence of damage sustained or any alleged damage sustained, to the above-named motor vessel while in custody of His Majesty's Royal Canadian Naval Service or any auxiliary patrols, commissions, boards or departments hereinbefore named.

AND FURTHER, we covenant that we are the owners and/or mortgagees, shipyard repairers and all others having any interest, claim or demand against the said vessel and are the only parties or persons having any interest, claim, lien, demand or charge over the above-named motor vessel, and should any claim hereafter be made by or through any parties whatsoever, we hereby agree to indemnify and save harmless His Majesty the King as represented by any of the naval services, boards, patrols, departments, or commissions hereinbefore referred to.

AND FURTHER, that this discharge and release enures to the benefit of and is binding upon all the parties hereto, their respective heirs, executors, administrators, assigns, successors and representatives.

DATED at Vancouver, British Columbia, this 1st day of May 1942.

WITNESS:

G. Madison

Joseph Martin

EVACUATION SECTION
Rec'd JUN 30 1943
File No.
Ans. 1/7
Referred

# CITY OF VANCOUVER

Lands & Rentals OFFICE — CITY HALL

June 29, 1943.

H. F. Green, Esq.,
Protection Department,
Office of the Custodian,
506 Royal Bank Building,
Vancouver, B. C.

Dear Sir:

Re: File #4684;
Yoshihara, Motoharu.

In reply to your letter of the 24th inst., 3282 Celtic Avenue is City of Vancouver property.

The above-noted Yoshihara rented the property on a ground rent basis as he was originally the builder of the house. As this building does not conform to the Health or Building By-laws, we have persistently refused to rent same for occupancy and would prefer, if the property is now vacant, to refund the balance of ground rent paid in advance and demolish the building. Insofar as this department giving permission to rent this building as a domicile, I regret to inform you that under City By-laws we are unable to do so and anyone occupying this building as a domicile is liable to the full penalty imposed by infractions of the said By-law.

We should be pleased to hear from you if it would be acceptable to make a refund on behalf of Mr. Yoshihara to you and have the building demolished forthwith.

Awaiting your reply.

Yours faithfully,

W L Woodfield

WLW:AH

Supervisor of Lands & Rentals.

Houghton Insp. 15/7 City Sending out an inspector

MEMORANDUM

File No.: 4684 June 30th, 1943

To: Mr. C. C. Robinson

From: Mr. H. F. Green

Re: Motoharu YOSHIHARA

Further to recent correspondence on this man's house, we are quoting below, our letter to Mr. Woodford at the City Hall and his reply and sending a copy of this letter direct to Mr. Clugston of the Celtic Cannery. From what Mr. Woodford writes, it seems clear that Mr. Selbo can no longer occupy these premises and Mr. Clugston will doubtless be guided accordingly. Would you let us know when they are vacated?

The correspondence referred to above follows.

(1) Letter to Mr. Woodford at the City Hall.

".....When we applied for the water to be turned on here, we were informed that you did not wish these premises to be occupied and would not consent to this being done.

"Would you be so kind as to give us further information about this matter. Other things being equal, we would suggest that with the present housing shortage, these premises be made available if this is at all possible. In this connection, however, we are not quite clear as to the equity, if any, the Japanese has in these premises and we merely rented them on the strength of the assertion of the Celtic Cannery Manager that they belong to this Japanese. The Japanese himself declared that the premises were owned by the Celtic Cannery."

(2) Mr. Woodford's reply.

"In reply to your letter of the 24th inst., 3282 Celtic Avenue is City of Vancouver property.

"The above-noted Yoshihara rented the property on a ground rent basis as he was originally the builder of the house.

4684

July 13, 1943.

Mr. Motoharu YOSHIHARA,
Registration No. 04054,
Lethbridge, Alta.

Dear Sir: Mot M. V. "M. Y. 1023", NK.3182

This is to advise that the above-named vessel has been sold for the total sum of $345.00, which was the value placed on the boat by an experienced marine surveyor.

No commission or administration costs are charged on these vessels, the only charges made are for fire insurance, wharfage, watchmen's wages, expert valuation, etc. These charges amounted to $46.86.

The balance of $298.14 has been placed to your credit in our trust account.

Yours very truly,

F. Matheson,
Specified Articles Department.

Location - South-East Corner of School Building

EVACUATION SECTION
Rec'd AUG 31 1943
File No. 4684
Ans.
Referred

G-165-A

BRITISH COLUMBIA SECURITY COMMISSION.

CUSTODIAN RELEASE FORM

Address % Fred Hawa, Barnwell, Alta. Date Aug. 2/43

To: The Secretary of State, acting in his capacity as Custodian, Vancouver, B.C.

I, Motoharu YOSHIHARA, Police Registration No. 08126 hereby request you to release to me the under-noted property stored at Celtic Cannery School, in possession of B. C. Packers, Ltd. Vancouver, B.C. and I release you from any claim whatsoever with respect to such property.

Description of Property:

Box No. 2 - glassware - No. 3. Glassware - No. 6 gramaphone - No.8 bureau with glassware, picture and frames - No. 9. lounge - No. 10 bamboo basket - No. 11 childrens toys - No. 12 bureau with mirror - No. 19 childrens blackboard - No. 20 boat tools - No. 21 Japanese childrens dolls - No. 22 bureau - No. 25 baby carriage - No. 26-2 double beds - No. 27- 2 double bed spring No. 28-2 - 3/4 bedspring - No. 30 carpenter tools - No. 37 - 2 - 6 gal. cradles - No. 42 kitchenware.

Original Address Celtic Cannery, Foot of Blenheim St., Vancouver.

Date Evacuated to Vancouver

Date Evacuated to Present Address April 30/42.

Number in Family - 12 years and over 6

Number in Family - 5 to 11 years old none

Number in Family - under 5 none

TOTAL NUMBER IN FAMILY 6

I agree to pay all charges as required by the British Colum Security Commission.

APPROVED:
BRITISH COLUMBIA SECURITY COMMISSION

Per: Motoharu Yoshihara
Claimant Signs Here

Deposit of $20.00 received Aug. 25/43.
Left mailed Aug. 27/43.

Custodian Property
Chas. Shup
Vancouver B.C.
Aug 27/43
Yours truly
Geo. A. Reid

EXHIBIT No. 193-12
DATE October 14/48
FILED BY G. R. A. Rice

COPY

August 9, 1943.

Lands & Rentals Office

H. F. Green, Esq.,
Protection Dept.,
Office of the Custodian,
Dept. of Secretary of State,
Royal Bank Building,
Vancouver, B. C.

Dear Sir: Re: File #4684--Motoharu Yoshihara

In response to yours of July 19th, 3282 Celtic Avenue has been re-inspected and improvements having been made, the Building Department recommend that premises to be occupied for the duration of the War.

Under these circumstances we have no objection to the renting of the property.

Rental charged the above-noted Japanese till Dec. 31, 1945 is $2.00 per month plus Water Rates. Would you kindly note this in setting rental to present tenant in order to comply with Wartime Rental Regulations as rent may not be raised without Court Order.

A letter to the Water Rates Department requesting that water be turned on, from your department will receive im ediate attention.

Yours faithfully,

(signed) W. L. Woodford
Supervisor of Lands & Rentals.

MEMORANDUM

February 3rd, 1944.

TO: File No. 4684

FROM: Administration Department.

Re: Motoharu YOSHIHARA - Registration No. 08126
328 Celtic Avenue, Vancouver, B. C.

This matter was brought to the writer's attention by the Filing Department who sent in a Water Rates account for my attention. Eventually it was traced to File 4684 and it was found that Mr. C. C. Robinson was familiar with the matter.

This property was rented to the above Japanese by the Lands and Rentals Office, City of Vancouver, at a rental of $2.00 per month, plus water rates, until December 31st, 1945 and rent was paid by the Japanese to the City of Vancouver to above date.

Mr. Robinson rented the premises in June 1943 at $8.00 per month but I understand this was objected to by the Rentals Control Board, as they insisted that the rent could not be increased beyond the $2.00 per month, plus water charges.

Mr. Robinson happened to be in the office today and I discussed the matter with him. The tenant paid two months rent, namely June and July 1943, total $16.00, but has paid nothing since then. This represents eight months rent at $2.00 per month, which thus covers rental for the period June 1943 to January 1944. Rent, therefore, is now due for February and Mr. Robinson is arranging to collect this from the tenant and also will collect $9.80, the total amount due for water - namely, $4.00 on account of 1943 arrears, $6.45 for January/June 1944, less 65 cents rebate--- net amount $9.80.

Mr. Robinson will continue to collect rent each month and this memorandum has been prepared for ready reference.

P. Bowst.

PD/ER

MEMORANDUM

File No. 4684 February 8th, 1944.

B.C. Packers Ltd
Bella Coola
327 Bloodworth St
Van

TO: File

FROM: Administration Department.

Re: Motoharu YOSHIHARA,
Registration #08126.
3282 Celtic Street,
Vancouver, B. C.

Put this on the file of the above Jap

Since preparing the Memorandum of February 3rd, 1944 on this file, Mr. Robinson called in to explain that the final arrangement made with regard to the rent and water relating to this property was that a charge of $4.00 should be made, that is, $2.00 for rent and $2.00 for water. As $16.00 was paid in June/July of last year, this covers the rent and water up to October 14th, 1943. On February 14th, 1944 there will thus be a further four month's charge due, namely $16.00, and it has been arranged that Mr. F. Clugston of the Celtic Cannery will collect this from the tenant and remit to Mr. Harris, now in charge at Steveston, at an early date. Thereafter, the monthly amount due will continue to be collected by Mr. Clugston and he will turn in to Mr. Harris the amount collected, either monthly or over a period of two or three months.

In the meantime we are paying the water bill due, namely $9.80, which covers the arrears for 1943 and the amount due for January/June 1944.

PD/ER P. Douet.

EVACUATION SECTION
FEB. 25 1944
Rec'd
File No. 4687
Referred Legal.

# CITY OF VANCOUVER

S AND RENTALS OFFICE CITY HALL

February 21st, 1944.

P. Dovet, Esq.,
Office of Custodian,
506 Royal Bank Bldg.,
City.

Dear Sir:

File No. 4684.

Re 3192 Celtic St,
Lot 2, Blk. 10, D.L. 194.

In reply to yours of the 17th instant both the house and land as above described are City property and are not for sale.

$2.00 per mth.

Mr. Yoshihara was given a nominal rental to cover taxes as he was unable to repurchase, owing to the property not being for sale.

The terms of rental are that tenant pay water rates, and the City not to be liable for decoration or repairs. If these terms are not suitable, balance of rent can be refunded and rental agreement cancelled.

2

Yours faithfully,

R Woodford

Supervisor,
Lands and Rentals Department.

# CITY OF VANCOUVER

Lands & Rentals Office — CITY HALL

August 8, 1945.

P. Douet, Esq.,
Administration Dept.,
Dept. of Secretary of State,
506 Royal Bank Bldg.,
Vancouver, B. C.

Dear Sir:

Re: File #4684.
3282 Celtic Avenue.

In reply to your telephone enquiry, Lots 1 to 9 inclusive, Block 15, D.L. 194, were acquired by the City of Vancouver at the 1940 Tax Sale.

The property was formerly owned by Messrs. Alfred Bull and R. H. Tupper, Motoharu Yoshihara paid $1.00 per month ground rent for use of lot, from former owners and obtained a building permit to erect house in 1933.

This property was surveyed in 1941, disclosing the house was built on Lot 2 and outbuildings on Lot 3.

As the building did not conform to City Bylaws, demolition would have been ordered except for the present emergency. The present tenants made alterations and improvements to make the house habitable.

Present lease expires December 31st, 1945. Map of location is enclosed.

Yours faithfully,

W L Woodford

Supervisor of Lands & Rentals.

WLW:MB

SHEET O

SHEET T

SHEET V

INDIAN RESERVE

D.L. 314

POINT GREY GOLF AND COUNTRY CLUB
PARCEL D OF D.L. 314

PARCEL A D.L. 194

D.L. 194

PARCEL A
AREA 10.05 Ac

PARCEL B
72.8 Ac

D.L. 315

PARCEL A
69.3 Ac

NORTH ARM OF FRASER RIVER

FORTY NINTH AVE
FIFTIETH AVE
FIFTY FIRST AVE
FIFTY THIRD AVE
FIFTY FIFTH AVE
FIFTY SEVENTH AVE
SOUTH WEST MARINE DRIVE
MARINE PARK
PARK
DUNBAR ST
WALLACE ST
BLENHEIM ST
BALACLAVA ST
CARNARVON ST
MACDONALD ST
CELTIC
TARAHILL PARK
CELTIC CANNERY PARCEL B
D.L. 4316
D.L. 306
L. 5668

Note re closed roads:-

*The agreement between Point Grey Golf and Country Club provides that the Corporation grant all future water mains thru portions of Dunbar Street and Forty Ninth Avenue shown by broken or check marked lines for the purpose of laying the soil thereof and to repair, replace, lay down, operate and maintain and remove sewers, drains and water pipes.*

*The said proprietors, "residents in the Municipality of Point Grey" will be permitted to pass over those same portions of Dunbar Street and Forty Ninth Avenue.*

*Provision is also made for the Corporation on giving fifteen days notice to abstain title to any portions of or all of said portions of Dunbar Street and Forty Ninth Avenue or those portions of other closed roads shown by dotted lines on this plan*

NAME YOSHIHARA, Motoharu

REGISTRATION NO. 08126 FILE NO. 4684

The following chattels were sold by public auction at Steveston, B. C. on July 14, 1944.

| | | |
|---|---|---|
| Jack etc. | $ | 1.00 |
| Garden hose | | 6.00 |
| Garden hose | | 2.50 |
| Kitchen cabinet | | 7.00 |
| Chest drawers | | 4.00 |
| Roll linoleum | | 3.85 |
| 7 Kitchen chairs | | 2.75 |
| Kitchen table | | 4.25 |
| Garden tools | | 0.75 |
| Garden tools | | 1.10 |
| H.M. End table | | 1.20 |

| | | | |
|---|---|---|---|
| Total | | | $ |
| Less Expenses: | (Auctioneer's Fee: | $ 3.28 | 32.80 |
| | (Advertising: | 1.22 | $ 7.49 |
| | (Moving: | 2.99 | |
| Net Proceeds Credited: | | | $ 25.31 |

Members of Custodian Staff Present. Mr. Harris

Extracted from Auctioneering List No. Steveston 17.

Remarks

NAME YOSHIHARA, Hatsuharu

REGISTRATION NO. 08326 FILE NO. 4084

The following chattels were sold by public auction at Stevenston, B/ C. on August 11, 1944.

| | |
|---|---|
| Carton of miscellaneous articles | ✓ $ 1.15 Jmae |
| 5 Gallon Jar | ✓ 1.40 K.U. |
| School books | ✓ 0.50 Sonko |
| Set Book of Knowledge | ✓ 2.00 " |
| Carton of sealers | ✓ 0.50 K.U |
| Wicker baskets | ✓ 1.50 K.U |
| 2 Stone Jugs | ✓ 0.50 K.U |
| 2 Rice pots and baskets | ✓ 0.50 K.U |
| Total | $ 8.05 |
| Less Expenses: (Auctioneer's Fee: $0.81 (Advertising: 0.45 (Moving: 0.95 | $ 2.21 |
| Net Proceeds Credited: | $ 5.84 |

Members of Custodian Staff Present. Mr. Harris

Extracted from Auctioneering List No. Steveston 18

Remarks

4684

March 26th, 1945.

Mr. D. H. Selbie,
3282 Celtic Street,
Vancouver, B.C.

Dear Sir:

We are in receipt of your remittance of $24.00 being rent for six months at $4.00 per month to the month ending September 30th, 1945, relating to the above premises occupied by you. Our formal receipt is attached.

You are aware that the house and land occupied by you are owned by the City of Vancouver, and our understanding is that ground rent has been paid by the above Evacuee to the City of Vancouver up to December 31st, 1945, and we cannot guarantee that you will be allowed to occupy these premises after the above date. You are no doubt aware that it was the intention of the City Hall to have this building demolished as it does not conform to the Health or Building By-laws, and it is only because of the housing shortage and some improvements having been made to the property that it was allowed to be occupied.

We thought it would be as well to make the position clear to you at this stage in order that there may be no misunderstanding later on.

Yours truly,

P. Douet,
Administration Department

PD/ER

4684

March 29th, 1945.

Mr. Motoharu YOSHIHARA,
Reg. No. 08126,
Barnwell, Alberta.

Dear Sir:

We are in receipt of your letter of the 16th instant and are paying from your account the $6.69 due to the B. C. Packers Limited in connection with insurance on the boat you owned. This leaves you with a credit balance of $735.70, and our Accounting Department are preparing a statement of your account which will be forwarded to you at an early date.

Respecting the house you occupied at 3282 Celtic Street, Vancouver, and for which rent has been paid to the City of Vancouver to December 31st, 1945, this has been rented to Mr. D. H. Selbie for $4.00 per month and these rentals have been credited to your account, as will be seen from the statement we are sending to you.

At the end of the year, however, rental will be paid direct to the City of Vancouver, as according to statements received from the Lands & Rentals Department, City of Vancouver, both the land and the house are owned by them and it is only because you have paid rental to the end of the year that we shall receive rents from the tenant to December 31st, 1945.

Yours truly,

P. Douet,
Administration Department

PD/ER

X enclosed.

**MEMORANDUM**

August 28th, 1945

File 4684

TO: Mrs A. G. McArthur

FROM: Mr. Doust

Re: 3282 Celtic Ave., Vancouver, B. C.
Lot 2, Blk. 15, D.L. 194
Small house on land acquired by
City of Vancouver in 1940 Tax Sale.

With reference to your queries in connection with the above please see letter dated August 8th/45 from City of Vancouver, attached.

It is true that this property was originally rented by Mr. Robinson at $8.00 per month, but in my memo of February 3rd/44 it is pointed out that this rent was objected to by the Rental Control Board, who insisted that the rent could not be increased beyond $2.00 per month, plus water charges, and the premises were therefore rented at $4.00 per month to the Selbies, we paying the water charges. Rent is paid to September 30th, 1945, and with the payment of $12.00 by the Selbies for the October/December period, so far as we are concerned we are then out of the picture as the present Lease to Motoharu YOSHIHARA by the City of Vancouver expires on December 31st, 1945.

The above is the position as I understand it, but it may be that you will wish to take the matter up further with the Lands & Rentals Office, City of Vancouver.

PD/ER

Note: City Charter enables the City to take land + bldgs under tax sale clear sale but registered charges.

6 rm. 2 Storey building. Erected in 1933

Assessment. Land: 150
Bldg. 600 = Taxed 1/2 value approx 5% = $15.00 per yr.

D. E. McTaggart, K.C.
Corporation Counsel
A. E. Lord
City Solicitor
T. J. Shore J. A. Roberts
R. K. Baker E. A. R. Elliott

Law Department
City of Vancouver

ADDRESS ALL CORRESPONDENCE TO CITY SOLICITOR

CITY HALL
VANCOUVER, B.C.

December 19th, 1945.

Custodian of Enemy Alien Property,
506 Royal Bank Building,
Vancouver, B. C.

Attention Mr. Shears

Dear Sir:-

Re: 3282 Celtic Avenue
Your File #4684

Your letter of the 7th inst. addressed to Mr. Woodford was referred by the Committee on City Properties to me for attention and reply.

The Committee felt that as the building in question belongs to the City through being a fixture and otherwise falling into the clarification of realty, it should not be severed from the land to which it forms a part. I am advised that the structure now meets the requirements of the "Building & Health By-laws" and accordingly there is no need for demolition.

It was therefore felt and I was instructed to advise that your request must be refused as being prejudicial to the City's interests.

Yours truly,

Arthur E. Lord

City Solicitor.

ENRE:NM

4684

7th December, 1945.

City of Vancouver,
City Hall,
Vancouver, B.C.

Attention: Mr. W.L. Woodford.

Dear Sirs:

Motoharu YOSHIHARA.
Re: 3282 Celtic Ave.

Previous correspondence has been received from your Department in connection with the above property and our Mr. Douet has been in touch with you recently by telephone.

Your letter of August 8th, 1945, informs us that this property was acquired by the City at the 1940 Tax Sale. The house on these lots was erected by the above named Japanese and subsequent to the tax sale the City accepted rent from him on a basis of $2.- per month, which your letter of the 29th June, 1943, described as a ground rent, as Yoshihara was originally the builder of the house.

After the Japanese had been evacuated an arrangement to rent for $8.- per month was considered a reasonable rent for this six-roomed house, but a ruling of the Rental Control Board only permitted the nominal amount of $2.- which you were charging, plus water rates.

This house did not conform with your health and building bye-laws, but certain repairs were made and occupation permitted to continue. The eventual demolition, however, is we understand required.

We have received an offer to purchase this house for the sum of $100.- from Mrs. N. Croquet, who we understand is the owner of the adjacent property on 2½ acres at 3281 Celtic Ave. This lady is aware that the house is at present rented and that it will be her responsibility to arrange with the tenant to vacate.

In view of the fact that your Department required this house to be demolished and also that pre-payment to 1945 was accepted, during which time no actual net revenue has accrued to the owner of the house, we are writing asking if your Department would have any objection to us completing a deal for the sale of this house to Mrs. Croquet and for her to assume responsibility for removing this house in a reasonable time.

Yours truly,

F. G. Sheurs,
Director.

FGS/PMH

Sale of 26 Fr.
Mrs Mac

EVACUATION SECTION
Rec'd SEP 5 1945
File No. 26 Fr.
Ans.
Referred Dovet.

# CITY OF VANCOUVER

Lands & Rentals OFFICE — CITY HALL

Sept. 4, 1945.

P. Dovet, Esq.,
Administration Dept.,
Dept. Secretary of State,
506 Royal Bank Bldg.,
Vancouver, B. C.

Re: File #4684;
3282 Celtic Ave.

Dear Sir:

In reply to telephone request re above file, the following is a summary of the earlier reports.

On September 21st, 1941 the property was inspected by T. Green and D. Wright of this Department.

As the property did not conform to City By-laws, verbal notice was given by Inspector D. Wright that the house would be condemned. The occupant, M. Yoshihara, not fully understanding English, engaged W. L. Young to transact negotiations to either rent or purchase the property.

An application was made to purchase Dec. 15th, 1941, but discontinued owing to Government order, and the Rental Agreement continued.

Yours faithfully,

W L Wright

WLW:AH

Supervisor of Lands & Rentals.

MEMORANDUM

December 6, 1945.

TO: Mr. F. C. Shears

FROM: Mr. Doust

Re: Motoharu YOSHIHARA - Registration #08126
House at 3282 Celtic Ave., Vancouver, B. C.
Lot 2, Blk. 15, D.L. 194. File No. 1684.

With reference to Mrs. McArthur's conversation with you on Tuesday respecting the above, the following information is submitted to you for your consideration.

This Evacuee declared no real property and stated in his JP form that he rented a 6-room, 2-storey, wooden frame dwelling at the Celtic Cannery, foot of Kinchain Street, Vancouver. He gave the landlord's name as the Celtic Cannery and stated that his lease and rent was "$2.00 per month all paid up".

The question of the owner of this house and/or land first arose in June 1943 through Mr. C. C. Robinson renting the house to a Mr. Selbie, a fisherman working for the Celtic Cannery. The rent was originally $8.00 per month but was subsequently reduced to $4.00 per month, due to the action of the Rental Control Board. Incidentally, Mr. Selbie has been the tenant all along and is still in possession.

In June 1943 Mr. Green wrote to the City Hall, as subsequent to renting the premises he found the house was built on land belonging to the City of Vancouver. The information we have got together from Mr. Woodford, Supervisor of Lands and Rentals at the City Hall, is as follows:

> Lots 1-9 inclusive, Block 15, District Lot 194, were formerly owned by Messrs. Bull & Tupper. Yoshihara paid $1.00 per month ground rent for use of the Lot and obtained from the above owners a Building Permit to erect a house on Lot 2 in 1933.
>
> All the above lots were acquired by the City of Vancouver at the 1940 Tax Sale. According to the City Hall their Charter enabled them to take possession of the house as well as the land.

Subsequent to the Tax Sale the house and land were rented by the City to Yoshihara for the sum of $2.00 per month and this was the position when we came into the picture in June 1943, the above rent having been paid in advance by Yoshihara until December 31st, 1943. When we wrote to the City Hall in June 1943 about the renting of the property they advised us as follows:

> "In reply to yours of the 26th instant, 3282 Celtic Avenue is City of Vancouver property. The above-noted Yoshihara rented the property on a ground rent basis as he was originally the builder of the house. As this house does not conform to the Health or Building By-laws, we have persistently refused to rent same for occupancy and would prefer, if the property is now vacant, to refund the balance of ground rent paid in advance and demolish the building."

However, certain repairs were done by the tenant, Mr. Galbie, and the Building Department recommended that the premises be permitted to be occupied for the duration of the war. In these circumstances Mr. Woodford had no objection to the renting of the property.

We ascertained from the City Hall that the assessment of the property was as follows:

| | |
|---|---|
| Land | - $150.00 |
| Improvements | - $600.00 |
| Taxable Value | - $450.00 |

which at five per cent per annum represents $22.00 per annum and presumably this was the basis for the $2.00 per month ground rent.

In their letter to us of February 21st, 1944 in which the City Hall confirm that this was City property and not for sale they mentioned that Yoshihara was given a nominal rent to cover taxes as he was unable to purchase owing to the property not being for sale.

We would point out that this case could not have been properly presented to the Rental Control Board at the time, as had it been explained to them that the house was built by Yoshihara and that the $2.00 per month was only a nominal rent charged by the City Hall, there is little doubt that they would have agreed that the $8.00 per month we proposed charging for this 6-room house was a reasonable one. They agreed that we could only charge $2.00 plus water charges and we made the rent around $4.00 per month, we paying the water. Due to the above it will be seen that Yoshihara might have had, since June 1943, $4.00 per month coming to him if the house had been rented at $8.00 per month as it should have been.

The final position is that the City Hall maintain that when the Lease to Yoshihara expires on December 31st, 1945, Yoshihara's interest ceases, and the tenant will be responsible to the City Hall for their rent of $4.00 per month. If this is so, then of course we have no longer any interest in the matter.

However, we have just received an offer from a Mrs. Croquet, who owns land next to this property, to purchase this house for $100.00. She would remove the house, which she states is very unsanitary and of poor construction, and fix it up to conform to the necessary City By-laws. When telephoning Mr. Woodford about this offer he advised us that they could not agree to this under the conditions of the City Charter and he stated that in any event the house could not be removed in view of it being occupied, as it would be quite impossible to evict the tenants. He said, however, that if we wished we could write him on the matter of selling the house and he would submit it to the Legal Department, City Hall.

On March 29, 1945 when writing to Yoshihara enclosing a statement of his account we made it quite clear to him as to what had happened in connection with the renting of this house, the last paragraph of our letter reading as follows:

To: Mr. F. C. Shears (File 4684) December 6, 1945.

"At the end of the year, however, rental will be paid direct to the City of Vancouver, as according to statements received from the Lands & Rentals Department, City of Vancouver, both the land and the house are owned by them and it is only because you have paid rental to the end of the year that we shall receive rents from the tenant to December 31st, 1945."

No comment was made by Yoshihara and it would thus appear that he recognizes he no longer has any interest in the house.

I regret the length of this memo but wish to put all the fact before you for your consideration. If we are going to take this matter up, prompt action will be necessary in view of the Lease expiring on December 31, 1945.

FD/ER

4684

January 24, 1946.

Attn: Mr. T. Flanagan

City of Vancouver,
Lands & Rentals Office,
City Hall,
453 W. 12th Avenue,
Vancouver, B. C.

Dear Sir: Re: 3262 Cattle Ave., Vancouver, B.C.

In reply to your letter of the 22nd instant we would advise that originally our Steveston representative was handling this matter and arranged with Mr. Selbee in June, 1943, to pay a rental of $8.00 per month, water and electricity for the account of the tenant. Mr. Selbee was quite satisfied with this rental. However, subsequent to this arrangement it would appear that the question of rent was referred to the Rental Control Board, and while we have nothing on file from their office it was agreed with the tenant by our representative that the rent should be reduced to $4.00 per month, which it was reckoned at the time would cover the $2.00 per month land rent, plus $2.00 per month for water and we presume any incidental charges which might arise in connection with the collection of rent, etc.

Adjustmentswere made with the tenant in view of the fact that he had paid a month or two's rent at $8.00 per month, and he has in effect been paying $4.00 per month, inclusive of water, since June 1943. We are of the opinion that had at the time, namely June or July 1943, this matter of rental been properly presented to the Rental Control Board they would have at least agreed that for this six-room house a rental of $8.00 per month was warranted, and in fixing the rental at $4.00 per month, including water, our representative doubtless felt that this was a round figure and fully justified in the circumstances.

Yours truly,

P. Douet,
Administration Department

PD/ER

Case No. 793 - Motoharu Yoshihara, Reg. No.04054, File 4684

**Claim:** M.Y., NW.3180, powered by Vivian 15 H.P.engine
Purchased 1938 for $900.00
Drum purchased 1941$160.00

Gross Claim: $750.00

**Sale:**
Date: December 31, 1942
Location: Coal Harbour
Purchaser: Joseph Martin
Sale Price: $345.00
Expenses: 46.86 (proportionate share)
Net Credit: 298.14

**Valuations:**
Phillipson: $300.00 (JFVDC price: $345.00)
Gould: 700.00 (Est.Mkt. Value: $770.00)

Owner (JFVDC "catalogue sheet"): $700.00

**Damage:** No record of damage or repairs while in custody of Navy.
" " " " " " " " Custodian's care.

**Equipment:** Essential boat equipment missing August 1, 1942, was listed at time of survey by Naval surveyor and John Gould. On basis of this list claim of $20.00 was paid to purchaser. Boat was sold at JFVDC suggested negotiating price.

There is no record of what equipment was on boat at time of surrender.

**Age:** Information supplied by owner is on JFVDC "Catalogue sheet" (Exhibit #4). On this sheet the price, as at the beginning of 1942, is $700.00, and the age of hull is shown as 1925, the age of the engine 1930.

If the information given on Exhibit #4 is correct the hull would be 17 years old at time of sale. The engine would be 12 years old at sale.

**Gould:** Gould's valuation of $700.00, made in August 1942, is more than double the valuation of Phillipson, made in April, 1942. This may be another case where Mr.Gould got his notes crossed.

The boat did not sell until December 31,1948. The dodfish plugs referred to in Phillipson's report would probably have detracted from the sales appeal of the boat.

/FM

CASE NO. 795.

IN THE MATTER OF THE "INQUIRIES ACT"
BEING CHAPTER 99, REVISED STATUTES OF CANADA 1927.

JAPANESE PROPERTY CLAIMS COMMISSION.

BEFORE

(HIS HONOUR JUDGE R.M. EDMANSON, SUB-COMMISSIONER).

Lethbridge, Alberta,
October 14th, 1948.

IN THE MATTER OF THE CLAIM OF
MOTOHARU YOSHIHARA.

PROCEEDINGS AT HEARING.

APPEARANCES:

| | |
|---|---|
| G.E.A. RICE, Esq., K.C., | appearing for the Dominion Government. |
| A.G. VIRTUE, Esq., K.C., | appearing for the Claimant. |

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| | |
|---|---|
| MISS LILLIE THOMAS, | Secretary. |
| D.J. HANDFORD, Esq., | Official Interpreter. |
| S.R. HOWARD, Esq., | Official Reporter. |

THE SECRETARY: Case No. 793, Motoharu Yoshihara.

MOTOHARU YOSHIHARA, the claimant herein, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. VIRTUE:

Q Now, I show you a form called a summary of evidence. It contains a description of your boat, of your nets? A: Yes.

Q And your fishing outfit? A: Yes.

Q And of other personal property?

A Yes.

Q This claim was prepared by you with the assistance of a clerk in my office? A: Yes.

Q Will you sign your name to it, please?

A (Witness complies).

Q Now, are the statements conta ined in this form true statements? A: Yes.

Q Is the description of your boat and the value you have placed on it... A: ...Yes...

Q ...a true description and a fair value?

A Yes.

Q Your boat was the "M.Y."?

A Yes.

Q And you bought her in 1938, did you?

A 1938.

Q For $900.00? A: Yes.

Q And then you put on -- what is a "fishing chum"?

A Drum.

Q Oh, drum. That should be a fishing drum?

A Yes.

MR. VIRTUE: In the description of the boat, sir, we will make that correction, a fishing drum.

Q You put a new drum on in 1941?

A Yes.

Q That was a drum that you rolled up your nets on?

A Yes.

Q That cost you $180.00? A: That is complete.

Q You say that the fair market value of your boat at the time you turned it over to the authorities was $750.00? A: Yes.

Q What do you say about that price? Did you boost the price, or is that too low or too high?

A I think that is about medium fair.

Q A fair price? A: Yes.

Q You know it was sold for $345?

A Yes.

Q What do you say about that? A: Pretty cheap.

Q Now, your nets, t hat is a list made up by you of your nets and fishing equipment?

A Yes.

Q Did you leave those nets behind?

A Yes, at the Celtic Cannery net house.

Q Celtic Cannery net house? A: Yes.

Q That was in Vancouver, was it?

A Yes.

Q And the information that you have given here about the nets and their value, you have worked that out yourself? A: Yes.

Q And you say those are fair prices you have put on the nets? A: Yes.

Q When you left your nets in the cannery, did you tag them? A: Yes, I tagged them.

Q What was put on the tags? A: A number.

Q And your name too? A: Yes, my name and the number and the kind of net.

THE SUB-COMMISSIONER: Q: Number of the net, was it?

A Yes, it is all numbered.

MR. VIRTUE: Q: And did you put on the value too?

A No, no value.

Q No value was put on? A: No.

Q And when you left those nets there, were they hanging up? A: They were hung up on the ceiling.

Q Hanging up from the ceiling? A: Yes.

Q Now, we will take your household furniture and utensils;you have a list of that here too?

A Yes.

Q Are the values you have put on them totalling $132.75, would they be fair values?

A Yes.

Q But you are only claiming $100.00 for the whole lot? A: Yes.

Q You have reduced it to $100.00?

A Yes.

Q What do you say about that price?

A Some of that is pretty cheap.

Q But, on the whole, $100.00 would be low?

A Yes.

MR. VIRTUE: I will offer that as an exhibit.

(SUMMARY MARKED EXHIBIT NO. 1).

MR. VIRTUE: Q: Now, in 1941, the 31st of December, 1941 -- no. At any rate, a short time before you were evacuated, while you were still living there, you put on this insurance?

A Yes.

Q Of $500.00 on your household furniture?

A Yes.

MR. VIRTUE: I will tender that as an exhibit.

(POLICY MARKED EXHIBIT NO. 2).

MR. VIRTUE: This is put in from my learned friend's file. He knows I am going to put it in.

Q You don't know Mr. Gould, the surveyor?

A No.

Q But you do know that he has made a report here showing the estimated market value of your boat at $770.00? A: No.

Q Well, I am showing it to you now?

A Yes.

Q And this was the boat, the "M.Y.", the "M.Y. 1023", that is your boat? A: Pardon?

Q The "M.Y."? A: Yes, that is it.

There is a mistake here on the boat; instead of a troller it is a gill net boat.

Q Instead of a troller it is a gill net boat?

A Yes.

(SURVEY REPORT MARKED EXHIBIT NO. 3).

Q And here is a description of your boat?

MR. REES: They call it a vessel record.

MR. VIRTUE: Here is a description of your boat, apparently taken from some record, in both

English and Japanese. Did you ever see that before? A: Yes, sir.

Q You have seen that before? A: Yes, sir.

Q And this is your boat, is it, the "M.Y."?

A Yes, sir.

Q And the value placed in here is $700.00, you notice that, "present value"?

A Yes.

Q Do you know when this was made up?

A I don't remember.

Q You don't remember when it was made up?

A No.

Q Well, this comes from my learned friend's file, sir, so that I will put it in also.

(DOCUMENT MARKED EXHIBIT NO. 4).

MR. VIRTUE: And then a letter from the Custodian's file, from the Custodian's fishing vessel department to Edgar C. Thompson, dated the 31st of December, 1942, authorising him to release the fishing vessel in question to Joe Martin.

(LETTER MARKED EXHIBIT NO. 5).

MR. VIRTUE: All right, thank you.

THE SUB-COMMISSIONER: Your total claim now is $876.35? The reason I ask that is that on these other sheets and in the proof of claim it was $922.21.

MR. VIRTUE: Yes, it was reduced, sir. The loss on the boat we are claiming is $405.00, on the nets $401.50, and on the personal chattels to $100.00 even, that is $906.50.

THE SUB-COMMISSIONER: The net loss on the chattels is

$69.85?

MR. VIRTUE: That is right, sir, $69.85; a valuation of $100.00 less $31.15, $69.85. That is a total, I make it, of $876.35.

THE SUB-COMMISSIONER: Yes, quite. All right, Mr. Rice.

MR. RICE: I am submitting, your Honour, that the claim for the boat does not come within the terms of reference, but if it does the same, I submit, was sold for its fair market value.

I am submitting that the nets were sold for their fair market value. Apparently one net is not accounted for. I am submitting that the chattels sold were sold for their fair market value, and if there are any chattels that the claimant has a claim for against the Custodian the claim made to the same is exorbitant.

I submit the following documents as exhibits: An analysis of personal property claim.

(ANALYSIS MARKED EXHIBIT NO. 6).

MR. RICE: A net statement.

(STATEMENT MARKED EXHIBIT NO. 7).

MR. RICE: An extract of appraisals made on nets by Mr. C. P. Leckie.

(EXTRACT MARKED EXHIBIT NO. 8).

MR. RICE: A copy of an appraisal made on the vessel by O. W. Phillipson, valuing the vessel at $300.00, and the negotiating price of $345.00.

(APPRAISAL MARKED EXHIBIT NO. 9).

MR. RICE: A summary taken from vessels records.

(SUMMARY MARKED EXHIBIT NO. 10).

MR. RICE: With respect to the vessel, your Honour, I would point out while the Custodian had one valuation on the boatk of $700.00, there was another valuation of $545.00. It should be pointed out that Mr. Gould's valuation was in August of 1942, and this boat was held until December, 1942, and an effort was made trying to sell it at the appraised value of $700.00, and, as you are aware, boats do not grow in value while in water, especially if unused, and that is why a second valuation was made by us and it was then sold.

MR. VIRTUE: My learned friend is giving evidence now. I take it Mr. Phillipson will give evidence.

MR. RICE: He will, yes. I am just saying what is in the summary, and the boat was finally sold for $545.00.

CROSS EXAMINATION BY MR. RICE:

Q I show you a J.P. form dated the 19th of April, 1942 (indicating); was that document completed and signed by you? A: Yes.

MR. RICE: I tender the J.P. form.

(J.P. FORM MARKED EXHIBIT NO. 11).

MR. RICE: Q: I show you a release form, apparently signed by you? A: Yes.

Q Dated August 2nd, 1943, where you released the Custodian from any claim to the chattels mentioned there? A: Yes.

MR. RICE: I tender the release form completed by the claimant. There is a note attached to it by Mr. McDonald of the B. C. Security Commission of

having received certain goods for shipment. I don't know whether any of them are covered by the claim that is now being made or not.

(RELEASE MARKED EXHIBIT NO. 18).

MR. NIGH: Q: In your personal property claim you claim a chimney and roof plage; what is that?

A That is the tin chimney.

Q Tin chimney on top of the chimney on the roof of your house? A: Yes.

Q That would be part of the property, wouldn't it? It was put up with the intention of staying there?

A Pardon?

Q That tin chimney was put on the other chimney with the intention of staying there?

A No. We just bought that chimney to change it and we didn't put it on.

Q It wasn't on the house at all?

A No.

Q Did you declare it inyour J.P. form?

A Pardon?

Q Did you declare that article in yourJ.P. form?

A Yes.

Q The books that you are claiming for, the set of Dominion Education? A: Yes.

Q What was it, school books or what?

A It is school books, yes.

Q Just school books? A: Yes.

Q And how old were they? A: I bought in 1936, ten volumes.

Q 1936. The carpet you refer to is a piece of

congoleum, is it? A: Linoleum.

Q And you had used it for three years?

A I think it was bought in 1940; I think about 1940, two years.

Q Well, in your summary of evidence you swore that you purchased it in 1939? A: It must be then, yes.

Q It must be right. Was it cemented down to the floor or tacked? A: No, it is all up in the Celtic school house.

Q You had used it on the floor in your own home?

A Yes.

Q The car tire? A: Yes.

Q Where was that? A: At the Celtic school, Celtic Cannery school.

Q Had you used it? A: No, I didn't even use it.

Q Was it new? A: It was secondhand I bought it.

Q Secondhand? A: Yes.

Q A secondhand tire? A: Yes. I paid $20.00 for it.

Q All right.

THE SUB-COMMISSIONER: Anything else, Mr. Virtue?

MR. VIRTUE: That is all, thank you.

THE SUB-COMMISSIONER: That is all, thanks.

(Witness aside)

(PROCEEDINGS ADJOURNED SINE DIE)

I hereby certify the foregoing transcript is a true and accurate record of the proceedings herein.
"S.R.HOWARD" Official Reporter

I hereby certify that the foregoing transcript purports to be an accurate record of the evidence adduced before me.

SUB-COMMISSIONER.

Defence Brief

Motohara YOSHIHARA

File No. 4684

Case No. 793

LETHBRIDGE
14 Oct. 48

## PERSONAL PROPERTY CLAIM

### 1. Chattel Claim

$100.00

(a) Goods valued by claimant at 55.20 Sold at auction for 31.25

Witness: Thompson & B., Auctioneer.

(b) Goods valued at 31.55 Declared but not found.

(c) Goods valued at 1.75 Lost, destroyed or stolen.

(d) Goods valued at 11.50 Undeclared and not found.

(b)(c) & (d) See storage list (yellow paper) at back of case file.

Witness: (b, c & d) - C.C. Robinson.

See Trans. 9 line 5 et seq, and auction sheets. School books sold for 50¢
Book of Knowledge $2.00.

| 2. Boat Claim | Appraised at | Sold for |
|---|---|---|
| $750.00 | $300.00 | $345.00 |

Witness: O. W. Phillipson, Appraiser.

This was a Custodian sale. See also Trans. 7 lines 25 et seq & Trans. 8 lines 1 et seq.

Note also appraised by Gould for 700.00. See Ex.793-3.

### 3. Fishing Nets Claim

$730.00

(a) Nets valued by claimant at 645.00 Sold by tender for 327.00

Witness: C. P. Leckie, Appraiser.

4 nets only were appraised by Leckie as follows:

| | | | | | |
|---|---|---|---|---|---|
| Valued by claimant | @ 55.00 | appraised | @ 35.00 | sold for | 25.00 |
| " " " | @ 70.00 | " | @ 45.00 | " " | 45.00 |
| " " " | @ 75.00 | " | @ 58.00 | " " | 40.00 |
| " " " | @ 40.00 | " | @ 20.00 | " " | 20.00 |

(b) Gear valued at 55.00 Declared but not found.

Witness: C. C. Robinson.

(c) Hooks valued at 30.00 Lost, destroyed or stolen.

Appraised by C. P. Leckie at 30.00 but now missing.

Submission: Claim for boat does not come within the terms of reference, but if it does, the same was sold for its fair market value. That the nets were sold for fair market value, apparently one net is not accounted for. (Note all nets were accounted for)
That the chattels sold were sold for their fair market value and if there are any chattels that the claimant has a claim for against the Custodian, the claim made is exorbitant.

KWN/mw

Name of Claimant YOSHIHARA, Motoharu Case 795

Custodian File 4684

| 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 | | Sale Price | Total Award 125% of all Sale Prices: | | |
| | | | | | | % of Total | Amount | | % of Total | Amount | |
| | | | | | | | | | | | |

| 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 | |
| | | 345.00 | | 99.32 | | | | 99.32 |

| 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 | |
| | | | 645.00<br>85.00 | 511. | 327.00 | 184.00 |

| 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 | |
| 55.80 | 31.85 | 9.37 | 56.82 | 33.30 | 18.92 | | | 28.29 |

| | |
|---|---|
| TOTAL RECOMMENDATION | 311.61 |