

Name of Claimant SHIMOYAMA, Kichinosuke

Case 100

Custodian File XI/1197

<u>REAL PROPERTY</u>										
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
1500.										sp 225.
<u>PERSONAL PROPERTY</u>										
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 & Recorded Now Missing	45% of amount in next preceding column			
<u>NETS</u>										
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
<u>MISCELLANEOUS CHATTELS</u>										
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	Applica-tion of % ratio to amount in next preceding column	Sale Price of goods Sold by Tender	12% of Sale Price			
TOTAL RECOMMENDATION										225.

CASE NO: 100.

JAPANESE PROPERTY CLAIMS COMMISSION.

Kamloops, B.C.

May 10th, 1948.

IN THE MATTER OF THE CLAIM OF

KICHINOSUKE SHIMOYAMA.

PROCEEDINGS AT HEARING.

Original.

K. Shimoyama,
In Chief.

MR. COBUS: This is Case No, 100, being 118 on the list,
your Honour.

KICHINOSUKE SHIMOYAMA, the Claimant, herein

first being duly
sworn, testified
through the Official
Interpreter as
follows:

10 MR. COBUS: Your Honour, I would ask leave to amend the
claim for realty by reducing the total value to
\$3250.00, crediting the Custodian with \$1500.00,
leaving a net claim of \$1750.00.

The claim for personal property is being abandoned
entirely.

DIRECT EXAMINATION BY MR. COBUS:

Q Witness, I produce to you a statement concerning the
real estate for which you are claiming, did you in-
struct Mr. Leckie to prepare this statement for you
and is that your signature? A Yes.

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

20 A Yes, it is true.

MR. COBUS: I would ask to file that as an exhibit.

(STATEMENT MARKED EXHIBIT NO. 1)

Q Witness, where was your property located?

A Osler Avenue, 3877.

Q Do you mean 8377 Osler? A Yes.

30 MR. COBUS: The subject matter of the claim your Honour,
is a dwelling which is located at the address as
stated by the witness and consisted of a four room
dwelling with bath (tub and toiler). It was a one-
storey building with a basement and on the premises

K. Shimoyama,
In Chief.

was also a garage. It was purchased in 1917 at a cost price of \$350.00, as a vacant lot, that is there were no improvements on the property when he bought it. The witness then lists six major improvements which have been made by him on this property, totalling in all \$4625.00. He estimates the value at the date of sale as being \$3250.00 for the land and improvements. The Claimant says that in addition to the improvements to which refer-
10 ence has been made, that he did all necessary ordinary repairs as they became required.

Now, with respect to the Appraisers report, he says the garage was in quite good shape when he left the property. He considers the valuation of \$1250.00 to be very much under the fair value of the property. He adds that he instructed Mr. Fairhall to rent the property at \$15.00 per month, that he had fixed this figure on the basis of Mr. Fairhall's obtaining a responsible tenant who would
20 care for the property rather than holding out for a higher rent, which the property was worth. He closes by saying that the property would be worth at least \$3250.00 when sold by the Custodian for \$1500.00 in June 1943.

I would ask my learned friend to produce the appraisal on this property.

MR. COLTHURST: (Producing).

MR. COBUS: I have a document here which purports to be an appraisal made by Johnson and Reeve, Vancouver,
30 dated 28th May 1943, which I ask to be filed on

K. Shimoyama,
In Chief.

behalf of my learned friend.

APPRAISAL MARKED EXHIBIT NO: 2)

Now, would my learned friend advise me whether there were any tenders received for this property.

MR. COLTHURST: Yes, in this case two tenders made by Annie Bell Neil; one here for \$2100.00. There is one dated June 3rd. and one dated June 4th, 1943.

MR. COBUS: Your Honour, I have here two tenders by one Annie Bell Neil, the first being dated 3rd. June 10 1943, signed by her and addressed to the Custodian of Enemy Property. I would point out that on June 3rd. she was prepared to and in fact did, offer \$2100.00 and accompanied her tender with a deposit of \$210.00 and then on June 4th of the same year there was a second tender by the same individual addressed to the Custodian of Enemy Property, now tendering \$1500.00 cash. There is no reason given for withdrawal of the first one. There is no reason given in the Custodian's file as to why the original 20 offer was allowed to be withdrawn. Apparently it had no effect on the deposit of \$210.00.

I would file both tenders as the next exhibit.

(TWO TENDERS BY ANNIE BELL NEIL MARKED
EXHIBIT NO: 3)

My friend has also produced your Honour a tender made by Daisy A. Yewdall on June 3rd. 1943, in which she tenders in accordance with the advertisement re- 30 specting several properties, giving as a preference a certain residence on Osler Street, but not the one in question and showing as second preference this property at 8377 Osler Street and tenders

E. Shimoyama,
In Chief.
Cross-Exam.

\$1650;00 therefor.

(TENDER BY DAISIE N. YEWDALL MARKED
EXHIBIT NO: 4)

CROSS-EXAMINATION BY MR. COLTHURST:

This is a case your Honour of straight valuation and the defence will be that the property in question was sold for its fair market value.

I wonder if my learned friend would admit that in 1942 the land was assessed at \$245.00 and the improvements at \$850.00, making a total assessment of \$1095.00.

10

MR. COBUS: Has my learned friend the Assessment Notice?

MR. COLTHURST: No, I haven't, it doesn't appear to be on file.

MR. COBUS: It appears to be correct your Honour, subject to proof.

MR. COLTHURST: Q. When was the garage built, Mr. Shimoyama?

A I think 1926.

Q. And between that time and the time of your evacuation, which I understand was in 1942, what did you do, if anything, by way of repairs to that garage?

20

A. When I made the garage originally I put down a cement floor and there was no necessity for any further repairs to it.

Q. You have had no experience, I take it, as an appraiser of real estate of any kind?

A I have no experience.

THE COMMISSIONER: That is all witness.

(Witness aside.)

30

(PROCEEDINGS ADJOURNED SINE DIE)

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

(over)

M. Tonks
"M. Tonks"
Official Reporter.

K. Shimoyama.

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

J. R. Archibald
"J. R. Archibald"
Sub-Commissioner.

10

20

30

June 7th - 1949.

Recommend ²²⁵ 225
compensation as
special case.

MAY 10 1948

DEC 2 1947

11 Dec.

APR 15 1948

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.

37. ack

ack/w

X1/1197

Kamloops

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

(1) NAME SHIMOYAMA, Kichinosuke (RCMP) Reg. No. 03962

(Print) Surname

Given Name

8377 Osler St., Vancouver, B.C.

(2) Pre-Evacuation Address

295 W. Victoria St., Kamloops, B.C.

(3) Present Address

157 1/2 Victoria Road, Kamloops B.C.

(4) REAL ESTATE

(a) Street Address (if any) 8377 Osler St., Vancouver, B.C.

City or Municipality,

Province

(b) Legal description (lot number, block number, section number, etc.)

Lot 18 Blocks 35 and 36 Subdivision "B" District Lots 319 and 324 and part 323 Map 4315

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

(i) Farm ~~XXXXX~~

(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) - - - - - \$ 3800.00 3250

(v) Amount at which Custodian sold property and credited your account - - - \$ 1621.88 1500

(f) Loss (This figure is arrived at by deducting item (v) from item (iv) - - - \$ 2178.12 1750

(5) PERSONAL PROPERTY

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

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

(c) How stored or packed at time of evacuation Partially crated-- rest left as is.

(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")

Taken over by custodian.

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

Item	Estimated Value
1. <u>Chesterfield Suite</u>	\$ 250.00
2. <u>4 Carpets</u>	\$ 160.00
3. <u>6 pairs of Blankets and 3 Comforters</u>	\$ 160.00
4. <u>Carpenter's tool</u>	\$ 450.00
5. <u>Sewing Machine</u>	\$ 115.00
6. <u>Kitchen Range and heater</u>	\$ 150.00
7. <u>4 Beds and 2 bureas</u>	\$ 335.00
8. <u>Garden tools</u>	\$ 40.00
9. <u>3 cross cut saws</u>	\$ 40.00
10. <u>Kitchen-ware, utensils, trunk, clothing</u>	\$ 880.00
TOTAL CLAIM FOR PROPERTY LOSS \$ 2695.00	

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) - - - - - \$ 4873.12

(6) (a) Place at which claimant prefers to be heard. (Vancouver, Kamloops, Nelson, Lethbridge, Moose Jaw, Winnipeg, Toronto or Montreal.) (b) Do you require the services of an interpreter at the hearing? Yes or no yes

Kamloops

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 B.C.)

TO WIT:)

I, *Kichinosuke Shimoyama* of the *Kamloops* 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 *Kamloops*)
in the *Province of B.C.*)
this *18th* day of *Nov*)
A.D. 1947.)

K. Shimoyama

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.

K. SHIMOYAMA
(Claimant's Name)

REAL ESTATE
(Other than farm)

EXHIBIT No. 100-1
May 14-48
DATE FILED BY Mr. Colvin
03962
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
# 8377 Osler St Vancouver B.C. (Marquise) 1 story + basement also garage - 12.0 x 12.2	4 rooms and bath (bat. + toilet) sink in kitchen	Frame (drop ceiling) full concrete foundation shingle roof - full cellar - cement floors - vinyl insulated painted - bir floors - no furnace - laundry tubs	dwelling	33' x 122'	1917	
Type of Locality	Cost Price	Improvements made by Claimant	Estimated Value	Date of Sale		

Residential locality - 350 each
- predominantly white - (as assessed)
Land

- Created house (details above) in 1918 - hired laborer and bought materials estimated cost \$2900.00
- Created garage in 1926 - frame garage - concrete floors - shingle roof - hired laborer and bought materials - 700.00
- In 1937 - lifted house - put in full cement foundation - excavated and put in full cement cellar - with cement floors - also installed laundry tubs and connected up with sewer - hired laborer and bought materials - cost 900.00
- Created picket fence across front of lot and post and rail fence across rear in 1941 - hired help and bought materials - cost 65.00
- Shedded and put in lawn and flower garden in front of house and put in vegetable garden; planted 5 good fruit trees in rear (Happle + 1 cherry) built cement walkway from side and front of house to basement on street - cost about 72.00
- Built sun room 12.1 x 5 off end of rear porch - cost about 60.00 (1937)

Comments re upkeep of premises:
In addition to improvements noted opposite - I ~~repaired~~ did all necessary, ordinary repairs, as required.

Comments re Appraiser's report not covered above:
The garage was in quite good shape when I left the property. I consider the valuation at \$1250 to be very good under a fair value basis property. Comment I instructed Mr. Fairbairn to rent this property for me for 12 months. I fixed the figure on the basis of Mr. Fairbairn receiving a responsible tenant who would care for the property rather than holding out for higher rent which the property was worth. I believe this property would be worth at least \$4375.00 when sold by the auctioneer for \$500.00 in June 1943.

Land + improvements
3250.00

SIGNATURE

100-1
EXHIBIT No. 100-1
DATE MAY 10 1948
FILED BY Mr. Coburn

[Faint, mostly illegible handwritten notes in the top section of the page.]

[Large handwritten notes in the bottom section, including a prominent signature and the number 1100.]

1100

JOHNSON AND REEVE

ESTATE AGENTS
VALUATIONS, ARBITRATIONS, INSURANCE, REAL ESTATE, MORTGAGES
MEMBERS VANCOUVER REAL ESTATE EXCHANGE

EXHIBIT No. 100-2
MAY 10 1948
DATE
FILED BY Mr. Colins

BANK OF NOVA SCOTIA BUILDING
602 WEST HASTINGS STREET
VANCOUVER, B.C.

28th May, 1943.

Rec'd MAY 29 1943
File No. _____
Ans. _____
✓

The Custodian's Office,
Room 912,
Royal Bank Building,
675 West Hastings Street,
VANCOUVER, B. C.

File No. 1197
Legal Department

Attention of Mr. K. W. Wright

Dear Sir:

Re Kichinosuke Shimoyama P/W A-760
Lot 18 Block 35 and 36 Subdivision B
District Lot 319,324 part 323
8377 Osler Street.

In accordance with your instructions we have inspected this property and beg to report as follows.

The property is situated in the Marpole District, which is six miles from the centre of the City and suffers in hard times from rental vacancies. The surrounding houses are all small.

The lot is 33' x 122' and the front yard is enclosed with a picket fence, the back yard with rough wire netting fences. There are concrete walks and five good fruit trees at the back.

The house is in pretty good condition inside and outside, the exterior having been recently painted white and the roof stained. The original front verandah has been enclosed on one side as an addition to the living room and on the other side to create a very small den; for this reason there is no landing at the top of the front steps. There is an entrance lobby, but the door to the living room has been removed. The doors to the small den have also been removed. There is a kitchen and breakfast nook and two small bedrooms. The bathroom is off the kitchen and contains two fixtures, the bathtub looking quite old and worn. Off the bathroom there is a small cabin with two small bunks in it.

The ceilings and walls throughout are V-joint and the floors are fir, all in good condition. There is no fireplace.

The basement stairs are steep and there is a good concrete floor and walls, also laundry tubs, but no furnace. The construction under the floors is unnecessarily heavy having three 8' x 10' beams, five 6" x 6" cross beams and above those 2' x 6' floor joists.

At the back of the lot there is a large garage with concrete floor, but the building and the floor are in a very bad state of repair.

We are of the opinion that the value of the property is One Thousand Two Hundred and Fifty. (\$1,250).

Yours faithfully,

JOHNSON, REEVE & WATSON
per *D. W. Reeves*

3

Tender
100-3
EXHIBIT No. _____
DATE MAY 10 1948
FILED BY *mv*

8335 Laurel Street
Vancouver, B.C.

3rd June, 1943.

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

Dear Sir,

I hereby offer to purchase the property known as 8377 Osler Avenue, Vancouver, B.C. at a price or sum of Twenty-one hundred dollars (\$2,100.00) and as evidence of good faith, I tender herewith my certified cheque for one-tenth of that sum, namely \$210.00, drawn on the Bank of Montreal and payable to you.

I am interested in purchasing this property, because it is near where I reside. My telephone number is Langara 6181L.

Awaiting your early response,

Yours very truly.

Annie Bell Neil

ANNIE BELL NEIL.

Tender

June 4/
43

Custodian Enemy property,
912 Royal Bank Building,
Vancouver, B.C.

Dear Sir,

Having thought over my tender of property 8377 Osler St.

Vancouver B.C. I have reconsidered my valuation.

I now offer the sum of 1500. ⁰⁰/₁₀₀ Cash. Hoping to hear from you at an
early date.

Annie Bell Neil.
8335 Laurel St.
Vancouver.
B.C.

Phone # Langara 01812

1287 Davie Street,
Vancouver, B. C.

June 3rd, 1943.

Tender
No. 100-4
DATE MAY 10 1948
FILED BY Mrs. Colman

MADE IN DUPLICATE

To The Custodian , of Enemy Property.

I hereby tender as follows (in accordance with
your recent advertisement -

Preference No. 1.

an all cash offer on the house property at
8821 Osler Street, Vancouver (your file 303)
of \$2100.00 (twenty-one hundred dollars)
and enclose my cheque for ten percent.

Preference No. 2.

an all cash offer on the house property at
8377 Osler Street, Vancouver (your file 1197)
of \$1650.00 (sixteen hundred and fifty dollars),
with above cheque to apply here, if necessary.

NOTE PLEASE - that I desire to buy but one house,
and if my offer on the first property,
Preference No. 1. is accepted - then my offer
on the second will be automatically cancelled.

This Tender is made in duplicate, so that
one copy may be submitted you, under each
file, and I trust you may be able to consider
them, jointly.

*Rec'd in office
at 11:30 AM
July 31/43
J. S. J.*

Daisie H. Jewdall
Mrs. Daisie H. Jewdall

Telephone Marine 4861

File #1197

MEMORANDUM

June 10th, 1943.

TO: MR. F. G. SHEARS

Re: P/W A-760, SHIMOYAMA, Kichinosuke
and 8377 Osler Street, Vancouver.

FROM: MR. K. W. WRIGHT

We are attaching the above file, No. 1197, on which you will note that we have rejected all the offers with the exception of Mrs. Neil. This will be found on the file with the cheque attached. I understand you wish to give this further consideration in view of Mr. Reeve's valuation.

One of the other properties offered in the same advertisement was 8821 Osler Street, - P/W A-732, Sadao SHIBATA, File #303. This was valued by Mr. Reeve at \$1750.00 and we have recommended acceptance of Mrs. Yewdall's offer amounting to \$2100.00. She has been requested to send a cheque and upon receipt, the documents will be prepared and submitted to Ottawa.

KWW/W
Attach.

[Handwritten Signature]
K. W. WRIGHT

EVACUATION SECTION	
Rec'd.	JUN 10 1943
File No.
Ans.
Referred

File #1197

MEMORANDUM

May 31st, 1943.

TO: MR. G. H. PEERS

Re: P/W A-760, SHIMOYAMA, Kichinosuke.
8377 Osler Street, Vancouver.

FROM: MR. K. W. WRIGHT

We are attaching hereto copy of Mr. Reeve's valuation of above property.

Your attention is directed to my memo of today's date dealing with property known as 8821 Osler St. - File #303. We must consider the advisability of holding this property and making some improvements if funds are in hand. The income from this is not as high as the property at 8821 Osler St. Judging from the number of callers at the office, there will be several tenders and much depends on how much the offers exceeds the valuation.

KWW/W
Attach.

K. W. WRIGHT