Name of Claimant ANANO, Teiichi Case 147 WITHDRAWN

Custodian File 9213

REAL PROPERTY											Total
Greater Vancouver		Rural (except V.L.A.)			V.L.A. (except Mission Village)			V.L.A. Mission Village			
Sale Price	5% thereof & 12.50	Sale Price	10% there-of	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	

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	

CASE NO; 147.

JAPANESE PROPERTY CLAIMS COMMISSION.

Vernon, B. C.,

February 17th, 1948.

IN THE MATTER OF THE CLAIM OF

TEIICHI AMANO.

PROCEEDINGS AT HEARING.

Original.

CASE NO: 147.

IN THE MATTER OF THE "INQUIRIES ACT"

PART 1, REVISED STATUTES OF CANADA 1927, CHAPTER 99.

JAPANESE PROPERTY CLAIMS COMMISSION.

B E F O R E

(THE HONOURABLE MR. JUSTICE H.I. BIRD, COMMISSIONER).

10 Vernon, B. C.

February 17th, 1948.

IN THE MATTER OF THE CLAIM OF

TEIICHI AMANO.

PROCEEDINGS AT HEARING.

20 APPEARANCES:

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

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

A. WATSON, Esq., Secretary.

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

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

30

MR. McMASTER: My lord, I would like to speak to No. 7 on the list first, Amano. This is a claim by a Mr. T. Amano. The claim is expressed to be for land and buildings, and on examining into the claim when he consulted me yesterday, and on examining the file which the Custodian produced, I find it isn't as simple as appears on the face of it, for this reason, that Mr. Amano apparently owned this Lot 13, and on Lot 13 there was erected a house
10 and a factory. The house, I think, was on the east half of Lot 13 and the factory was on the west half of Lot 13. The house, I think, now, is admitted by everyone, though there is some dispute between the partners of the partnership, belongs to the claimant and his claim is the land also belongs to him. On perusing the Custodian's file which is in-complete, I find that most of what is there is correspondence as to the house. He tells me, and I can understand it, because also there are
20 some references in the Custodian's file from which it would appear that when he is talking about the house, he is talking about his lands and house.

THE COMMISSIONER: Yes.

MR. McMASTER: Now, next door to that lot is the west half of Lot 12, which was owned by the claimant's wife, and I am going to make an application, my lord, for leave to file a claim on her behalf which I will speak to presently, but I want to outline the picture first. On the wife's west half of
30 Lot 12, there was situate a house at the front of

lot and a factory at the back of thelot.

THE COMMISSIONER: That is a second factory?

MR. McMASTER: Yes, my lord. These factories were used for the manufacture of soya bean sauce and other products relating to soya beans, and there was equipment in both of the factories at the time of evacuation, and I would take it there wasx some stock-in-trade in both of the factories. The factory on the back of Mrs. Amano's property wasn't owned by the partnership. It was owned, as far as title was concerned, by her husband, but it was operated as a business by her husband.

THE COMMISSIONER: Who were the partners?

MR. McMASTER: My lord, there were four partners. There was Mr. Amano, his son, who is now deceased, and his brother-in-law, and a Mr. "Y",--I have forgotten his name -- who is now living in Toronto, and apparently is a dissenter in terms of agreement betweenthe parties. The Custodian, as a matter of convenience, I suppose, disposed of the west half of Lot 12 and the whole of Lot 13, and the whole of the business and the stock-in-trade and equipment in one transaction for $9000.00. He apportioned to Mrs. Amano, roughly $1550.00, Ithink on her lands and premises. He then apportioned the balance between the partnership and Mr. Amano, giving more money -- giving Mr. Amano what the Custodian considered was the relative value of the house out of the purchase price, having regard to an appraisal that he had had made, and,as I say,

disregarding the fact that the land was this man's land as well as the house, and apparently disregarding the fact ifhe was aware of it, that certain of the equipment which had been sold was also the private property of Mr. Amano. He wrote a letter on July 31st, 1947.

THE COMMISSIONER: Who did?

MR. McMASTER: The Custodian, setting out the distribution which he proposed to make of these moneys and saying unless anyone complained about it by August 31st, that was the way he was going to do it. My present instructions are that Mr. Amano complained, but, nevertheless, apparently the Custodian proceeded and distributed the money on that basis.

So that it would appear on the basis of the instructions that I have received, my lord, that this Mr. "Y", who was a dissenting factor, and who lives in eastern Canada, has received a very reasonable proportion of the sale price for his interest in the partnership.

THE COMMISSIONER: You say at the expense of your man?

MR. McMASTER: At the expense of my man, and it appears that when Mr. Amano approached him before the deadline for filing claims with a view to filing a claim on behalf of the partnership that he wasn't any too anxious to have the matter gone into. Whether he actually replied or not, I am not sure at the moment, but, in any event, he gave little cooperation and no claim was filed before the closing date on behalf of the partner-

ship.

Now, my lord, as I say, I am going to make an application to file a claim on behalf of Mrs. Amano because, due to ill health, it wasn't filed, and it would appear to me it would considerably simplify your lordship's problem in dealing with the claim, if it were possible to have one claim on behalf of Mr. Amano, Mrs. Amano and the partnership, and any moneys which might be paid as a
10 result of your Lordship's recommendation would be paid to the Custodian who, in the meantime, if the partners could not agree as to what their respective interests are, they could then bring action and the Custodian could pay the money into Court and get it out of his hands and the matter could then be dealt with in a proper manner. Otherwise, my lord, it appears to me that this is going to involve going into this whole partnership arrangement before your Lordship and I don't think that is a desirable
20 thing to do.

THE COMMISSIONER: I will tell you now I do not feel I have any jurisdiction to do so.

MR. McMASTER: I agree that is correct, but, on the other hand, I think it is impossible to ascertain what the Custodian sold this man's house and lands for unless you go into the distribution he has made.

THE COMMISSIONER: I take it this man "Y" still stands out, does he? He will not join in the claim?

30 MR. McMASTER: My lord, the proposal I now make is

that the three claims be made together and the money be paid to the Custodian and if necessary paid into Court by him. That proposition hasn't been put up to Mr. "Y", and I would propose putting it up to him and see whether he would join in such a claim. He has a 30% interest in the partnership.

THE COMMISSIONER: It seems to me that is the only reasonable solution from the point of view of this investigation.

MR. McMASTER: I think so, my lord.

THE COMMISSIONER: I have no jurisdiction to attempt to deal with these inter-partner claims nor the claims between the members of the family. That is a matter that can only be disposed of by the Courts, and my jurisdiction here is very limited within the terms of the reference.

MR. McMASTER: Well, my lord, my suggestion then would be that I would ask for leave to file a claim for the partnership and Mr. and Mrs. Amano as one claim on the understanding that any moneys which are paid as a result of any recommendation which your Lordship might make will be paid to the Custodian on behalf of all the parties.

THE COMMISSIONER: You cannot speak for the partnership, though; that is the difficulty.

MR. McMASTER: My lord, it will have to be subject to my obtaining from Mr. "Y" authority to file that claim.

THE COMMISSIONER: Yes. There are four partners, you say?

one of whom is dead.

MR. McMASTER: Yes, and Mrs. Amano, as I understand it, is the executrix or administratrix of the estate.

THE COMMISSIONER: She can perhaps speak for one partner. Her husband will speak for himself.

MR. McMASTER: And the other partner is Mr. Amano's brother-in-law, who will join.

THE COMMISSIONER: "Y" is the only man standing out?

MR. McMASTER: At the moment, my lord, yes.

10 THE COMMISSIONER: What have you to say, Mr. Hunter?

MR. HUNTER: I think Mr. McMaster's masterly explanation of the thing has made it much more complicated, my lord. I don't see any problem. This persons is claiming for a house and lot. The properties were valued on the basis of the land, the factory, and the equipment. There is no difficulty deciding what their values are. We have an appraiser who said what their values were. If they want to adduce evidence to show what they think is fair

20 value, that is their privilege.

THE COMMISSIONER: Valued independently?

MR. HUNTER: Yes, and by its simplification -- you see, my lord, what is happening here is that two new claimants are coming in whose claims haven't been filed in time. It may be in the case of Mrs. Imano there was some justification for delay. I understand she has been ill , but as far as the partnership is concerned I can see no reason why it shouldn't have filed a claim on

30 time. After all, it is now a month and a half since

the date was closed. We are not antagonistic to anything that would simplify matters but we are making it more complicated and allowing claims to go in which ordinarily would not be allowed. I don't wish to be technical about claims but I think we have now reached the stage where there must be some finality.

THE COMMISSIONER: I quite agree with you there. Is there any explanation as to why there was no claim filed on behalf of the partnership?

MR. McMASTER: Yes. I have a Statutory declaration.

THE COMMISSIONER: What is it?

MR. McMASTER: It was made on the 27th of November, 1947, when she appeared before a Commissioner or I believe the Commissioner came down to the house and swore the affidavit on the claim and I have that.

THE COMMISSIONER: That is Amano's own claim?

MR. McMASTER: That is Amano's own claim.

THE COMMISSIONER: And in her case there is the question of illness.

MR. McMASTER: Yes.

THE COMMISSIONER: Well presumably you will be allowed to file that claim --

MR. McMASTER: I would think so, my lord.

THE COMMISSIONER: --but it is the partnership claim that I am referring to.

MR. McMASTER: No, my lord, there has been no claim filed by the partnership because of the dissention of this fourth partner, and, my lord, if that

quite possibly isn't a valid reason for allowing the claim now, then my submission to you with respect to my learned friend is in order to ascertain the value of what was owned by Mr. Amano, and in order to ascertain what the Custodian sold it for, which are the two things which must be ascertained, that we are going to become involved in this whole partnership transaction, and if your Lordship is going to find or might find -- let me put it this way -- that the whole property of the
10 partnership of these people was sold at less than its fair market value, it is going to be a rather anomalous situation that will have to be worked out on some basis of apportionment of that whole amount, and what Mr. Amano is entitled to and we will have to do that, my lord, in these hearings unless the matter can be determined by the Court. My submission is the place to determine that is in Court if the parties cannot agree.

20 THE COMMISSIONER: They seem to have got this matter in a very tangled skein. It is not for me to work it out for them. They were given ample time.

MR. McMASTER: I beg your pardon, my lord.

THE COMMISSIONER: I say it is not for me to work out their difficulties for them. It is for them to work out their own.

MR. McMASTER: That is correct, my lord, but I submit it isn't the claimants who got it in a tangled mess, with respect. They may have contributed to the
30 difficulty, but my submission is that the whole

apportionment was on the wrong basis and wasn't according to what was filed with the Custodian.

THE COMMISSIONER: On your own say-so they were given notice of an intention to distribute on a certain basis, and they apparently did nothing about it.

MR. McMASTER: Oh no, my lord, I stated it was my instructions they did something about it. They protested it.

THE COMMISSIONER: Have you any records of the partner-
10 ship, Mr. Hunter?

MR. HUNTER: I am sorry, my lord, we haven't the partnership file. I am not sure whether these moneys have been disbursed. They may have been.

MR. McMASTER: I am advised they have been, or some of them have.

MR. HUNTER: Whether they have or have not, I don't know.

MR. SHEARS: I think they have all been disbursed.

THE COMMISSIONER: Are you fully informed or instructed
20 now on the whole situation, Mr. Hunter?

MR. HUNTER: No, my lord, to start with, while the land is registered in the applicant's name, it has always been treated as partnership land. It may be we have something to indicate it is partnership land.

THE COMMISSIONER: I will stand it down. How long will it take you to get full information on it?

MR. HUNTER: We have already asked for the files, and they should be up during the next day or two.

30 THE COMMISSIONER: I will stand this down then. This

is Tuesday. Thursday, I presume, is too soon, is it?

MR. HUNTER: I think we have a particular case set for that day.

THE COMMISSIONER: Oh yes. All right, we will stand this until Friday. In the meantime I will ask Government counsel to instruct themselves fully.

MR. McMASTER: My lord, with regard to this matter, the claimant is here from Revelstoke. In any event, the material that has been produced, even if we proceeded with this man's claim alone, isn't sufficient for me to advise him on and proceed with, and my suggestion is this; after my learned friend has obtained his additional information and I have an opportunity to see it, that this matter can be spoken to again and whatever course is adopted that the matter stand over to the sub-Commission for hearing.

THE COMMISSIONER: No, I will not do that. I will stand it down until Friday until Government counsel can get instructions, and we can meet the situation then when we have more facts before us.

MR. McMASTER: It will involve keeping my claimant here for a week.

THE COMMISSIONER: That is too bad but he has made considerable contribution to the matter.

(PROCEEDINGS ADJOURNED UNTIL FRIDAY, FEBRUARY 20th, 1948)

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

T. P. Horrobin

"T.P. Horrobin"
Official Reporter.

Vernon, B. C.,

February 20th, 1948.

(PROCEEDINGS RESUMED PURSUANT TO ADJOURNMENT)

MR. McMASTER: With regard to No. 7 on the list, my lord, Amano, I am not sure whether that was given a case number the other day or not when I spoke to it.

THE COMMISSIONER: I rather think it was. Case 147.

MR. McMASTER: I have received instructions, my lord, in that case to apply to withdraw the claim. After a long discussion with my client last night, he decided that if the thing was going to be as complicated as it appeared to be, and it would necessitate taking him away from his present business, he would drop it.

THE COMMISSIONER: Well that is unfortunate.

MR. McMASTER: I rather think it is, although I am satisfied, my lord, that he is prepared to forget about it and try to satisfy himself on it and let bygones be bygones, as it were.

THE COMMISSIONER: That decision must rest with him. I would be glad to hear it in Vancouver if he chooses to go on. If there should be any change, you can let me know. In the meantime we will treat it as withdrawn.

(Concluded)

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

T. P. Horrobin

"T.P. HORROBIN"
Official Reporter.

Case No 127 DEC 23 1947 (withdrawn 20/2/48)

NOTIFIED

IN THE MATTER OF a Commission to Investigate Claims of Japanese Canadians for Property Losses.

TO: The Commissioner,
Office of the Custodian,
Royal Bank Bldg.,
Vancouver, B.C.

9213

ACKNOWLEDGED

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

(1) NAME AMANO (Print) Surname TEIICHI Given Name (RCMP) Reg. No. 06530 (Male)

(2) Pre-Evacuation Address 2141 Dundas Street, Vancouver, B. C.

(3) Present Address 413 - 2nd Street, Revelstoke, B. C. Vernon

(4) REAL ESTATE

(a) Street Address (if any) 2135 Dundas Street, Vancouver, B. C.
City or Municipality, Province

(b) Legal description (lot number, block number, section number, etc.)
Lot 13; Blk. 20; D. L. 184

Withdrawn

(c) Type of Real Property (cross out words which do not apply):
(i) ~~Farm~~
(ii) Residence Type of business
(iii) ~~Business~~
(iv) Any other type of property (describe)

(d) What was your interest in the property (e.g., sole owner, life tenant, joint tenant, owner of one half or one third interest, leasehold, etc.) Sole Owner

(e) Fair market value at date of sale (estimate this to the best of your ability):
(i) Land - - - - - - - - - - - - - - - - $ 500.00
(ii) Buildings - - - - - - - - - - - - - - - - $ 1500.00
(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) - $ 2,000.00
(v) Amount at which Custodian sold property and credited your account - - $ 630.46
(f) Loss (This figure is arrived at by deducting item (v) from item (iv) - - - $ 1,369.54

(5) PERSONAL PROPERTY

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

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

(c) How stored or packed at time of evacuation

(over)

(d) In whose care was property left at date of evacuation by the claimant. (This question refers to the terms of reference which exclude claims where the property was lost, destroyed or stolen while under the custody, control or management of any person other than the Custodian appointed by the owner of the property. It involves some definite arrangement whereby you appointed someone to take care of the property and such person accepted the responsibility of so doing. Unless such an arrangement was made the question should be answered "in no one's care") _____

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

1. _____ Estimated Value $_____
2. _____ Estimated Value $_____
3. _____ Estimated Value $_____
4. _____ Estimated Value $_____
5. _____ Estimated Value $_____
6. _____ Estimated Value $_____
7. _____ Estimated Value $_____
8. _____ Estimated Value $_____
9. _____ Estimated Value $_____
10. _____ Estimated Value $_____

TOTAL CLAIM FOR PROPERTY LOSS $_____

N.B.—If you cannot list all the items here prepare a separate list with values set out opposite each item and attach it to the form. The item "personal property" includes shares, bonds, mortgages, loans, notes and all other forms of property not included in real estate.

(f) Total claim including real and personal property (this figure can be arrived at by adding items 4(f) and 5(e) - $ 1,369.54

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

Vernon preferred

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

N.B.—This Declaration must be sworn before a Commissioner, Notary Public or other person entitled to take declarations. All lawyers are qualified to do so.

DOMINION OF CANADA)
Prov. of B. C.)
TO WIT:)

I, Teiichi Amano of the City ~~of Revelstoke~~
of Revelstoke 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 Revelstoke in the Prov. of B. C. this 27th day of November A.D. 1947.

Teiichi Amano

A Commissioner for Taking Affidavits within British Columbia.

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.

_____