

Name of Claimant **ARAKI, Buyemon**

Case **184**

Custodian File **7699**

<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
1250.	62.50 12.50									75.00
<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	Application of % ratio to amount in next preceding column	Sale Price of goods Sold by Tender	12% of Sale Price			
TOTAL RECOMMENDATION										75.00

CASE NO: 184

JAPANESE PROPERTY CLAIMS COMMISSION

Vernon, B.C.

April 21, 1948

IN THE MATTER OF THE CLAIM OF

BUYEMON ARAKI

PROCEEDINGS AT HEARING

Original

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
(HIS HONOUR, JUDGE J.R. ARCHIBALD, SUB-COMMISSIONER)

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Vernon, B.C.

April 21, 1948

IN THE MATTER OF THE CLAIM OF
BUYEMON ARAKI

PROCEEDINGS AT HEARING.

20 APPEARANCES:

D.S. McTAVISH, Esq., appearing for the
Dominion Government.

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

T.J. MARRION, Esq., Secretary to Vernon
Sub-Commission.

G.N.R. UPTON, Esq., Official Interpreter.

G. HAMBLETON, Esq., Official Reporter.

30

B. Araki
In Chief.

MR. McMASTER: I would call the second case on the list, Buyemon Araki.

BUYEMON ARAKI, the Claimant herein, being first duly sworn, testified through the official interpreter as follows:

MR. McMASTER: In this case, your honour, I would ask leave to amend the claim form by reducing the claim for the real property to \$3000,00 and abandoning the claim for goodwill and accounts receivable, so that on the face of the claim form, the claim will
10 be \$3000.00 less \$1250.00 which was the actual amount for which the property was sold by the Custodian, leaving a net of \$1750.00; and to further amend by striking out the claim on the back of the claim form for personal chattels.

DIRECT EXAMINATION BY MR. McMASTER:

Q: Witness, did you instruct Mr. Lecki to prepare this statement with regard to your property at 762 Powell Street, Vancouver, with respect to which you are claim-
20 ing? A: Yes.

Q: Would you be good enough to sign it, please? Just your ordinary signature.

A: (Witness complies)

Q: Are the statements contained therein true to the best of your knowledge and recollection?

A: Yes.

MR. McMASTER: I would ask to file that as Exhibit No. 1, your honour.

(STATEMENT MARKED EXHIBIT No. 1)

30 MR. McMASTER: Does my friend wish to file a copy of the

appraisal?

MR. McTAVISH: Yes, your honour, I will file that.

MR. McMASTER: I file the appraisal which the Custodian had made on behalf of my learned friend as Exhibit No. 2.

(APPRAISAL MARKED EXHIBIT NO. 2)

10 MR. McMASTER: Now, referring to Exhibit No. 1, your honour, the property is situated at 762 Powell Street, Vancouver, and was a one storey building, 24 feet by 50 feet, the front was occupied as a store, the back of the premises had five rooms with bath, toilet and sink and were used as living quarters. The description of the finish of the building is shown on the statement.

20 The property was purchased as vacant land in 1926 for \$750.00, and in Exhibit 1 the Claimant has set forth a large number of improvements which he made to the land, and the erection of the buildings and other improvements, at a total estimated expense of \$2850.00. In addition to this, he states that he attended to the ordinary repairs from time to time and left the property in good condition.

He considers that the fair value when the property was sold in October, 1944, was at least \$3000.00 for the lands and buildings.

Now, I would ask my friend if he would be good enough to produce from his file a picture of these premises which he has.

30 Q: Witness, I produce to you a picture from the Custodian's file purporting to have been taken on May 3, 1943. Is

B. Araki.
In Chief.
Cross-exam

the building in the center of that picture the pre-
mises with respect to which you are claiming?

A: Yes.

MR. McMASTER: I would ask to file that as the next
exhibit.

(PHOTOGRAPH MARKED EXHIBIT 3)

MR. McMASTER: Your witness.

MR. McTAVISH: Your honour, it is submitted that the real
property was sold for its fair market value. It is
10 further submitted, your honour, that the sale of
the property was not arranged by the Custodian, but
was arranged by an agent appointed by the claimant,
which sale was approved by the Custodian.

THE COMMISSIONER: Do you want to cross-examine on that?

MR. McTAVISH: I will, your honour, yes.

CROSS-EXAMINATION BY MR. McTAVISH:

Q: Mr. Araki, before you left the property, did you
20 appoint P.C. Gibbens and Company, Limited, to handle
the property on your behalf?

MR. McMASTER: Your honour, before my friend proceeds, I
would like to object to questions along that line.
By October, 1944, when the property was sold, clearly
the Custodian had entered upon his policy of liqui-
dation of these properties, and I would submit that
the property was vested in the Custodian and he had
full control of it, and that the sale was, in fact,
made by the Custodian.

MR. McTAVISH: My point in this, your honour, is that
30 the claimant had appointed an agent to look after

the property.

THE COMMISSIONER: Well, we will put it all in for what it is worth.

THE INTERPRETER: His answer to that last question is, "Yes."

MR. McTAVISH: I wish to put in, your honour, as an exhibit the correspondence with P.C. Gibbens and Company, Limited, with regard to the sale of the property.

10 MR. McMASTER: What correspondence is it, Mr. McTavish?

MR. McTAVISH: Actually, the only one I was interested in putting in was the offer on the property put forward by P.C. Gibbens and Company to the Custodian.

MR. McMASTER: I wonder to what end my friend wants to put this in? I mean, just to show that somebody did offer \$1250.00, or what? I won't object to the first of those letters going in, Mr. McTavish, subject to their being proved, of course.

(LETTER MARKED EXHIBIT NO. 4)

20 MR. McMASTER: I wonder if my friend would be good enough to identify the letter on the record.

MR. McTAVISH: That is a letter from P.C. Gibbens and Company, Limited, to the Custodian, putting forward an offer on the property, dated 21st of October, 1944.

Your honour, I would also like to put in a letter to the Custodian with regard to this property from Macaulay Nicholls Maitland Company Limited.

MR. McMASTER: Your honour, I would submit that is a matter for cross-examination and not of this witness but of whoever it is from, Macaulay Nicholls
30

and Maitland and who purported to sign this letter and should be produced at a later stage when my friend calls the person who wrote the letter.

THE COMMISSIONER: What is the object of putting it in now, Mr. McTavish?

MR. McTAVISH: It describes the property quite fully and gives the opinion of the writer of the property, your honour.

10 THE COMMISSIONER: Well, the point taken by Mr. McMaster seems to me to be reasonable, that it would better put in at a later date; you can't prove it now.

MR. McTAVISH: I can't prove it now, no, your honour.

THE COMMISSIONER: But if there is any reason why you want it in -- all these objections have been noted -- I suppose it can be put in.

MR. McTAVISH: My friend would have the right to cross-examine later, of course; subject to his right of cross-examination.

20 THE COMMISSIONER: Well, that would have to be properly produced before he can cross-examine.

MR. McMASTER: The witness has got to be produced, and if he has got to be produced, he can identify the document at that time.

THE COMMISSIONER: It just occurs to me that you may be getting ahead of the order for your case, you see. However, I don't want to shut it out if there is an object in putting it in.

MR. McTAVISH: I can wait, your honour, there is no urgency in getting this in now.

30 THE COMMISSIONER: Well, it doesn't prove anything

yet, you see.

MR. McTAVISH: That is all.

THE COMMISSIONER: If you are willing to wait, I think that would be the best way.

MR. McMASTER: May I see the last exhibit, Mr. Secretary?
(Handed to Mr. McMaster)

MR. McMASTER: Referring to the last exhibit filed, your honour by my learned friend, Exhibit No. 4, I would draw your honour's attention to the fact that the exhibit clearly states that P.C. Gibbens are acting on behalf of their clients Gore Jing Fong and Gooley Gow in making the offer.

RE-DIRECT EXAMINATION BY MR. McMASTER:

Q: Now, witness, did you at any time consent to the sale of your property?

A: No, I did not.

Q: And did you at any time give instructions to P.C. Gibbens or to any other person to sell your property?

20 A: No.

MR. McMASTER: That is all.

THE COMMISSIONER: Any further questions, Mr. McTavish?

MR. McTAVISH: No further questions, your honour.

THE COMMISSIONER: The witness may be excused.

(Witness aside)

I hereby certify that the foregoing is a true and accurate transcript of the proceedings herein.

Gordon Hambleton
G. Hambleton
Official Reporter.

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

Archibald
SUB-COMMISSIONER.

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.

ACKNOWLEDGED

H. J. [Signature]

7699

[Signature]
Reman

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

(1) NAME ARAKI (MR). BUYEMON (RCMP) Reg. No. 04357
(Print) Surname Given Name

(2) Pre-Evacuation Address 762 POWELL STREET VANCOUVER, B.C.

(3) Present Address 40 S. KNOFF RR#1 OYAMA, B.C.

change address to East Kelowna

(4) REAL ESTATE
(a) Street Address (if any) 762 POWELL ST., VAN. B.C.
City or Municipality, Province

(b) Legal description (lot number, block number, section number, etc.)
WOODEN FRAME HOUSE
Block (51)
LOT (13)
D.L. 181

(c) Type of Real Property (cross out words which do not apply):
(i) ~~Farm~~
(ii) Residence Type of business GROCERY AND CONFECTIONERY
(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 - - - - - \$ 1200.00
(ii) Buildings - - - - - \$ 2350.00
(iii) If business, put value on business as going concern (including land and buildings, tenancies, chattels, fixtures, stock-in-trade, goodwill and accounts receivable) - - - - - \$ 5297.00
(iv) Total value (if you cannot give separate values for lands and buildings just fill in total value) - - - - - \$ 3550.00
(v) Amount at which Custodian sold property and credited your account - - - \$ 1176.00
(f) Loss (This figure is arrived at by deducting item (v) from item (iv) - - - \$ 2374.00

(5) PERSONAL PROPERTY
(a) Place or places at which property was left by the claimant at date of evacuation 762 POWELL STREET VANCOUVER, BC
(b) Type of premises in which property left (e.g., house, warehouse, garage, shed, church basement, etc.) GARAGE SHED
(c) How stored or packed at time of evacuation SEAL IN GARAGE SHED

(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")

To Custodian

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

- | | | | |
|-----|--|--------------------|---------------|
| 1. | <u>List of Chattles, sold at \$208.30 less</u> | Estimated Value \$ | |
| 2. | <u>expense of \$61.12 - received \$147.18</u> | Estimated Value \$ | <u>268.30</u> |
| 3. | | Estimated Value \$ | |
| 4. | | Estimated Value \$ | |
| 5. | | Estimated Value \$ | |
| 6. | <u>Bath tub (occidental bath, which</u> | Estimated Value \$ | |
| 7. | <u>is not installed as mentioned</u> | Estimated Value \$ | <u>25.00</u> |
| 8. | <u>at 762 Powell St., Van. BC.</u> | Estimated Value \$ | |
| 9. | | Estimated Value \$ | |
| 10. | | Estimated Value \$ | |

TOTAL CLAIM FOR PROPERTY LOSS \$ 146.12

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) - - - - - \$ 2520.12

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

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

DOMINION OF CANADA)
 Province of British)
 Columbia TO WIT:)

I, Buyemon Araki, c/o S. Knopg, R.R. 1, of the
of Oyama, 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 Vernon
 in the Province of British Columbia
 this 15th day of November
 A.D. 1947

B. Araki

Sulney Szyja 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.

B Araki

(Claimant's Name)

REAL ESTATE
(Other than farm)

04357-

Reg. No.

7699

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
# 762 Powell St Vancouver B.C. - store and living quarters behind (one story building) - 24' x 50' - also garage & 2 sheds	store - in front 5 rooms & bath (toilet and sink) in living quarters behind -	7 frame (shingled on one side; tar & gravel roof; concrete foundation; no cellar; concrete floors in store; V-joint (painted) throughout inside; big floors in living quarters	Store and dwelling quarters	25' x 120' to lane in rear	-	1926 -
Type of Locality	Cost Price	Improvements made by Claimant	Estimated Value	Date of Sale		

Business & residential
area - mixed oriental
and occidental

750.00
(as vacant land)

- Created store building (see description above) in 1926 + own labour (carpentry); contract labour (masonry, plumbing, etc) bought materials.
- Created fish shed (10' x 29') in 1940 - frame cement foundation; cement floor; shingle roof - own labour + bought materials
- Created garage (14' x 17') in 1927 - frame - shingle roof - own labour + bought materials
- Created coat shed (12 x 36) in 1941 - frame - tar - paper roof - own labour and bought materials
- Built in shelving in store and laid lino in 5 rooms living quarters in 1932 -

3000
(land + buildings)

Comments re upkeep of premises:

Ordinary repairs attended to from time to time as required. Property left in good condition when I was evacuated

Comments re Appraiser's report not covered above:

There were five rooms in the living quarters - appraiser states four - I believe the appraisal at 1250 is much under a fair market value for this property.

Estimated cost for all of above: ~~lumber~~
materials (lumber, cement, fixtures, etc)
1100.00 house; fish shed 150; garage 250; coat
shed 90.00; shelving 300.00; lino 60.00
labour (own + contract) 900

EXHIBIT No. 184-1
DATE 21 April 48
FILLED BY Claimant

Comment. I conclude that when sold by the Custodian in Oct '44, this property was worth at least \$3000.00 - Total appⁿ 2850.00

B Araki

SIGNATURE

J. R. REID
NOTARY PUBLIC



GENERAL INSURANCE

515 GRANVILLE STREET
VANCOUVER, CANADA

File 7699

June 9'44

No. 217 762 Powell Street

This property comprises a lot with 25 ft. frontage by 120 ft. in depth to lane on which is erected a one-storey wood building with store front having cement floor.

There are living quarters at the rear of store comprising 4 rooms.

Toilet and sink installed and the bathtub is owned by the tenant.

Garage on lane.

Valuation - \$1250.00 ✓

EXHIBIT No. 184-2

DATE 21 April 1948

FILLED BY

Claimant. (R. J. McMaster)

ARAKI, Buyemon
762 Powell St., Vancouver, B.C.
Evac. File 7699



EXHIBIT NO. 184-3
DATE 21 April 1948
FILLED BY Claimant.

Picture Taken May 3, 1943



P. C. GIBBENS & CO. LTD.

TRUSTEES, FINANCIAL AND ESTATE AGENTS
NOTARY PUBLIC

ADDRESS ALL COMMUNICATIONS TO THE FIRM:

254 EAST HASTINGS STREET,

VANCOUVER, B. C.

21st October 1944

Rec'd	OCT 23 1944
File No.	7699
Ans.	✓
Referred	

F. G. Shears, Esq,
Custodian Enemy Alien Property,
506 Royal Bank Building.,
City.

Gentelmen;-

Re catalogue No 217.
762 Powell St.

In behalf of our clients
Gore Jing Fong & Goocy Gow we enclose
herewith our cheque for \$125.00 being
10% deposit on his offer of \$1250.00
cash for the above mentioned property.

not certified

Yours very truly

P. C. GIBBENS & CO LTD,

EXHIBIT No. 184-4
 DATE 21 April 1948
 FILLED BY Crown (D.S. McJannet)

LRM.s.

per

L. R. Maddalena

PROPERTIES SUSPENSE ACCOUNT

East Kelowna
B.C.
May 31st/48

Japanese Property Claims Commission
Court House
Vancouver, B.C.

Dear Sir:

Re: Buyemon Araki.

I would like to mention that we have moved to new address; formerly lived at Oyama, B.C., our new address is East Kelowna B.C.,

Therefore, in regarding information please address to East Kelowna B.C.

I Thank you.

Yours truly,
B. Araki
Per S. L.

Copy forwarded
75 Canadian
[Signature]