

| <u>REAL PROPERTY</u> | | | | | | | | | | 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% thereof | Charges 12.50 & Comm. | Sale Price | Total Award 80% of all Sale Prices % of Total | Sale Price | Total Award 125% of all Sale Prices: % of Total | Amount | | |
| 2560.00 | 128.00 12.50 | | | | | | | | | 140.50 | |
| <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 | | | | | | | | | | 140.50 | |

CASE NO: 4.

JAPANESE PROPERTY CLAIMS COMMISSION

Kamloops, B. C.,

December 9th, 1947.

IN THE MATTER OF THE CLAIM OF
KISABURO FUKUHARA.

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

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

10

Kamloops, B.C.,
December 9th, 1947.

IN THE MATTER OF THE CLAIM OF
KISABURO FUKUHARA.

PROCEEDINGS AT HEARING.

20 APPEARANCES:

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

J.A. McLENNAN, Esq., appearing for the
Claimant.

A. WATSON, Esq., Secretary.
G.N.R. UPTON, Esq., Official Interpreter.
T. P. HORROBIN, Esq., Official Reporter.

30

K. Fukuhara,
In Chief.

THE COMMISSIONER: Let me see the claim, please.

MR. McLENNAN: My lord, I would like to begin by asking leave to amend the claim by reducing the total value which has been set out at \$7750.00 and substituting \$6750.00.

THE COMMISSIONER: Any objection, Mr. Hunter?

MR. HUNTER: No, my lord.

MR. McLENNAN: And by acknowledging, my lord, instead of \$2417.00 from the Custodian, the sum of
10 \$2424.76.

THE COMMISSIONER: \$2424.76?

MR. McLENNAN: So that the loss, instead of the present figure of \$5333.00 would be \$4325.24.

THE COMMISSIONER: The claim is amended accordingly.

KISABURO FUKUHARA, the claimant herein,
being first duly sworn,
testified as follows:

DIRECT EXAMINATION BY MR. McLENNAN:

Q Mr. Fukuhara, you speak a little bit of English,
20 do you? A: Yes.

Q If you don't understand me, or any questions I should ask of you, you can consult the Interpreter, but if you can understand the English, speak in English, will you?

A Yes.

Q Your claim in this Commission is in connection with real estate at 5993-5 Main Street?

A Yes.

Q In Vancouver? A: Yes.

30 Q You also had some property at 49 West 5th Avenue?

K. Fukuhara,
In Chief.

A Yes.

Q You are not making any claim in that connection?

A No.

Q Would you tell this Commission how you arrived at your total value of your property at \$6750.00?

A Well, it cost me when I bought it almost \$3000.00.

Q Just a minute. It cost you \$2800.00, did it?

A Yes.

Q And you bought it under an agreement for sale?

10 A Yes.

Q And you paid it up in about three or four years time?

A: Yes, three years.

Q And you figure that \$2800.00 and the interest amounted to \$3000.00?

A: Yes.

THE COMMISSIONER: Just let me get that, please.

The cost to him when was how much?

MR. McLENNAN: Q: When did you buy it?

A 1937.

Q In 1937. The cost to you was \$2800.00?

20 A Yes.

Q You made a deposit of a thousand dollars?

A Yes.

Q And you were paying the balance --

A In three years.

Q --in three years' time. The agreement called for interest, did it?

A: Yes.

Q At six percent?

A: At six

percent.

Q So you figure the property cost you the initial cost plus interest up to \$3000.00, is that

308

K. Fukuhara,
In Chief.

correct?

A: Yes.

Q That was in 1937 that you purchased it?

A Yes.

Q I want to get how you arrive at that figure of
\$6750.00?

A: Well, I
figure from 1937 until the Custodian sold my
property in 1944, I should double up what the
cost was to me.

10 Q In other words, you heard that properties had
doubled in value at that time?

A Yes, that is what I feel.

Q That accounts for \$6000.00 of your \$6750.00
claim?

A: Yes.

Q Where does the other \$750.00 claimed come in?

A Well, I put a double garage in and fixed the
house.

Q You built a double garage. What did it cost you?

A Well, that cost me -- I can't tell you exactly
the amount but it cost me \$300.00.

20 Q That is your estimate of the cost?

A Yes.

Q Yes.

A: And I
fixed the inside of the house, papering it, and
the outside of the building I painted just be-
fore I evacuated from Vancouver. It cost me
almost \$350.00. Besides, I couldn't tell you
when, but I fixed the roof once. That cost me
I think about \$45.00.

30 Q Yes, then there is a balance of \$55.00 to make
up the total of your claim. How do you figure

K. Fukuhara,
In Chief.

that?

A: Well, that

isn't hiring anyone to fix but myself and my brother fixing the house always, so I could figure about that much.

Q Was there a porch put on the place?

A Well, the porch was there, but I fixed it. I had to put a woodshed in there. There wasn't any place to put the wood in.

Q You figure incidental improvements at about
10 \$55.00?

A: Yes, that

is besides the garage.

THE COMMISSIONER: Q: How much was the garage --
\$250.00?

A: \$300.00.

THE COMMISSIONER: And the repairs to the house
\$350.00 and \$45.00.

MR. McLENNAN: Yes, my lord.

Q When were you evacuated from Vancouver, Mr.
Fukuhara?

A: May 28th

or 29th, I couldn't tell you exactly, but in
20 1942.

Q Before you left, did you make a lease with a
Mr. Brindleson?

A: Yes.

Q Was that with the knowledge of the Custodian?
I think my friend will concede that probably.

MR. HUNTER: I won't at the moment.

MR. McLENNAN: Q: Did you rent the building to
Mr. Brindleson?

A: Yes.

Q How much a month?

A: \$53.00.

Q \$53.00 a month, and out of that you were to pay
30 the taxes?

A: Yes.

K. Fukuhara,
In Chief.

Q The taxes amounted to how much?

A In 1941 it was \$81. something, and in 1943 I remember \$80.00 and nine or ten cents.

Q Somewhere between \$80.00 and \$81.00?

A Yes.

Q That is per year? A: Yes.

Q And did you give Mr. Brindle son a five year lease at that rental? A: Yes.

10 Q With an option for him to renew it for another three years? A: Yes.

Q And Mr. Brindleson, under that lease, was to pay all the water rates? A: Yes.

Q And out of that \$53.00 per month, which is \$636.00 a year, you had taxes to pay and insurance? A: Yes.

Q And any incidental repairs? A: Yes.

THE COMMISSIONER: Mr. McLennan, how are we concerned with the income from the property?

20 MR. McLENNAN: I think that is the proper basis to fix a valuation from an income point of view to anyone buying property.

THE COMMISSIONER: You are seeking to establish value from the income derived?

MR. McLENNAN: Yes, my lord.

Q And you were receiving this rental money for about a year, were you?

A A year and about ten months. From May.

Q I see, for some time. You figured it was going to mean how much to you a year?

30 A Well I figured I could get \$500.00 clear per

year, anyway.

Q \$500.00 clear a year?

THE COMMISSIONER: A net revenue of \$500.00 a year.

MR. McLENNAN: Yes, my lord.

THE COMMISSIONER: Exclusive of depreciation and repairs?

MR. McLENNAN: That is right, my lord.

Q Before you evacuated, it was a general store premises, was it? A: Yes.

10 Q And living quarters? A: Yes.

Q Describe the premises.

A There was an upstairs in the back with living quarters.

Q How many rooms? A: Four rooms.

Q Four living rooms upstairs?

A One suite. Altogether we have six rooms upstairs.

Q Six rooms upstairs. Four of them were one suite, you say? A: Yes.

Q And downstairs? A: We didn't
20 use any rooms downstairs.

Q It was a general store when you were there?

A Yes, and stockroom in the back.

Q And living quarters in the back?

A No.

Q A stockroom? A: Stockroom.

Q And you operated a grocery and general store business there, did you? A: Yes.

Q You sold out the fixtures and the stock to this man Brindleson to whom you leased the building?

30 A Yes.

K. Fukuhara,
In Chief.

- Q Mr. Fukuhara, I want to refer you to the Custodian's report of the 19th of July, 1943. Johnson, Reeve & Watson, valuers, made a report to the Custodian's office which you have seen, have you not? A: I seen it last week.
- Q It recites in part that this location was in a district of South Vancouver of slow development. Have you anything to say about that?
- 10 A Well, I want to say that I couldn't understand what the slow development in that letter is. I really think it is rapidly coming up, which means good for business.
- Q Was there any building in that area while you were there? A: Well, when I got there in 1937 it is really open spaces more than what the houses were, but when I was leaving Vancouver in 1943 there was hardly any empty spaces on Ontario Street.
- 20 Q Where was Ontario Street from your place?
A It is two blocks away from there.
- Q Yes. Now were there any houses on 42nd Avenue west of Ontario when you first went there?
A Well I think there were two or three houses there, but about two or three years later I think I found about ten houses there.
- Q And how far from your store is that?
A It is four blocks or five blocks away.
- THE COMMISSIONER: Is the evidence that the Claimant
30 can give on the development of the area of any

K. Fukuhara,
In Chief.

particular value? Is that not evidence that might come from experienced valuers?

MR. McLENNAN: I think so, my lord, except we will have to have someone from that district, at any rate, to say what building had gone on, if my friend is relying on the slow development, but this is a witness who knows something on that and I think it should be corroborative, my lord.

THE COMMISSIONER: All right.

10 MR. McLENNAN: Q: Mr. Fukuhara, what, in your opinion, was the main value in that store?

A The business.

Q In business premises? A: In real value?

Q The real value? What is the main part of the value? A: Well, stock and fixtures.

Q Stock and fixtures, but apart from that? How about the location of the zoning area?

20 A Yes.

Q Is it zoned as a business area?

A Yes.

Q Now, Mr. Reeve's report says in part, "The property is in a zone for two-family dwellings but the building on this land was built before zoning was enforced."

That is so, is it not? A: Yes.

Q Then, "The property has an advantage in being the only shop premises between 38th and 49th."

30

K. Fukuhara,
In Chief.

Was it the only shop premises?

2 A Yes.

Q Is that an advantage from a business point of view?

A Yes.

Q You had no competitors around you?

A No, no competitors.

Q Now, your property was sold about March of 1944, according to your information from the Custodian?

A Yes.

10 Q Before your evacuation did you have any offers to purchase your business?

A Yes, I had.

Q From whom?

A: I remember one,

Mr. McKay.

Q I am referring more particularly to the time before Pearl Harbour.

A: Oh, I

remember in 1941, in November.

Q Yes.

A: A friend -- he wasn't

20

my friend, but I forget his last name, but his first name was Mr. Tanaki, he had a store on 16th Avenue west of Granville Street and he brought his friend to my place two or three times and asked me if I would sell this business to his friend, too.

Q At any price? Was any price mentioned?

A Well, at the time I didn't want to sell the business or anything, but finally I told him it would cost him not less than \$7500.00.

Q Was he willing to buy at that price?

30 A Yes.

K. Fukuhara,
In Chief.

Q And what happened? A: Well then,
I asked him to give me another day, I would like
to ask my wife what is my wife's opinion and the
wife said she didn't want to sell the place.

Q That \$7500.00 included the stock-in-trade and
the fixtures? A: Yes.

THE COMMISSIONER: Q: What value in stock and fixtures
did you have?

MR. McLENNAN: My lord, probably we can get at it this
way.

10

Q This lease that you entered into with Brindleson
on the 1st of May, 1942, provided for the sale to
him of stock and fixtures for the sum of
\$2250.00? A: Yes.

Q That is what you sold the stock and fixtures for
in May of 1942? A: Yes.

Q Now how did your stock and fixtures in May, 1942,
compare with what you had in November, 1941?

A Well, there was some less stock in May, 1942,
than November, 1941, but the fixtures were the
same.

20

Q How much less stock, have you any idea?

A I think about a thousand dollars. I couldn't
tell you exactly.

Q Why did the stock drop off between November, 1941,
and May, 1942?

A Well, that war happened. Well, that makes it so
something might happen to my stock.

Q So you didn't keep up with the stock after the
start of the war? A: No.

30

K. Fukuhara,
In Chief.
Cross-Exam.

THE COMMISSIONER: On that basis, the land and premises would carry an approximate value of \$4250.00.

MR. McLENNAN: Yes, my lord. There is just one question I should like to ask.

Q How much insurance was on the building at 5993-5 Main Street?

A \$3000.00 on the building.

Q At the time of your evacuation?

A Yes.

10 MR. McLENNAN: All right, Mr. Hunter.

CROSS-EXAMINATION BY MR. HUNTER:

Q Mr. Fukuhara, I have a report here of Johnson, Reeve & Watson which will later be filed, but I just want to try and confirm it. Part of it has been read to you by my friend, which you confirmed. Possibly you can confirm the other part. They say the building is a two-storey frame, 22 feet 6 x 54 feet 6, on a concrete curb foundation, is that correct?

20

A Yes.

Q It has siding walls and flat composition roof, is that right? A: Yes.

Q The shop front, plate glass in wood frame?

A Yes.

Q The front part of shop plastered?

A That is inside, you mean.

Q It doesn't say. A: Well, it is all plastered inside, then the paper is on top of it.

30

K. Fukuhara,
Cross-Exam.

- Q When it says the front part of shop plastered,
I assume that that means that the front part of
the shop was plastered inside. Was it all
plastered?
- A It was all plastered and papered.
- Q You mean the shop, or your stock room as well?
- A Yes. No, not the stock room.
- Q The shop. The upper floor, two suites of three
rooms. You have said one of four and one of two,
10 I think. A: Yes.
- Q In other words, there were six rooms?
- A Yes.
- Q No hot water tank in one suite?
- A No.
- Q Bathroom for joint use? A: Yes.
- Q (2) garage 21 x 20, siding walls?
- A Yes.
- Q Rubberoid roof? A: Yes.
- Q No floor? A: No, but
20 it has concrete foundation.
- Q Then it comes to the condition. The main building
is about thirty years old?
- A I couldn't tell you exactly how old, but I think
it is about that.
- Q Cheaply constructed? A: Well, I
couldn't understand what is cheaply constructed.
I understand the house is finished inside with
plaster and paper, that is by the owner of the
building. The outside siding and the outside
30 must be finished ordinarily. I can't understand

K. Fukuhara,
Cross-Exam.

what that cheap contracted means. I really understand the man that built that building thirty or twenty-five years ago -- I don't know how many years ago -- he told me the foundation used some 12 x 12 timber underneath, but a man that owned that building before I bought it, he wanted to change it for concrete foundation. He never looked at any timber or anything, but this man asked him, "Just open the floor and look at the timbers and see first". Well, he put the concrete foundation in, anyway. After that he cut the timber. This man said it was just like fresh timber was in there, never rotten or anything.

10

Q They have said the siding was painted recently, is that correct? A: Yes.

Q But previously neglected for a long time? Is that correct? A: I think that is correct.

20 Q "This has warped and needs re-nailing", is that right? A: Well, maybe part of it.

Q It says, "The wood at the back entrance in poor repair". Do you remember that?

A One part on the porch underneath I never fixed, and I needed to fix it.

Q It says, "The plaster in the shop loose and patched". A: I never patched up. I never saw anything loose in the store when I was there.

30

K. Fukuhara,
Cross-Exam.

Q You don't know anything about that?

A No.

Q It says, "The floor worn and parts rotten".

10 A The floor wasn't worn, but part of the floor just about I think the place opened -- where the floor was opened to see the timber, I think it was about two feet by three feet, I remember. I think they put some same floor in. Maybe they put a different floor and the only part was a few
rots in the floor that they had in that part, but all the other floors was fine and good condition when I left.

Q It states that the wiring is primitive?

A Yes, it is -- oh, whatx should I say -- I want to say this right. He means that the wiring was put in a long time ago -- out of date.

20 Q They say the water pipes may be corroded and they have in brackets "low pressure". I assume the low pressure led them to believe the pipes may be corroded, do you remember that?

A No. When I left there I never found any trouble with water pressure.

Q Chimneys for stoves built on wood brackets?

A Yes.

MR. HUNTER: That is correct, then. I think that is all, my lord.

(Witness aside)

30 MR. McLENNAN: My lord, might I just mention one factor? Your Lordship brought up the question that \$4250.00 would be the valuation approxi-

K. Fukuhara,
(Conclusion).

mately of the land and buildings -- approximately--
and stock and fixtures of the business. I agree
with that, and that was so in November, 1941,
but we will be calling evidence of the change in
value since November, 1941, to March, 1944, when
it was sold.

THE COMMISSIONER: Yes, Mr. McLennan. That is the
case, is it?

MR. McLENNAN: That is the case for the Claimant,
10 my lord.

(Claimant's Case 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.

20

30

Case no 4 * Kamloops B.C. Dec 9 1947

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

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

File 1896

Kamloops

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

(1) NAME MR FUKUHARA, KISABURO (RCMP) Reg. No. 10355
(Print) Surname Given Name

(2) Pre-Evacuation Address 5993-5 Main St. Vancouver, B.C.

(3) Present Address Chase, B.C.

(4) REAL ESTATE

(a) Street Address (if any) 5993-5 Main St., Vancouver B.C.
City or Municipality, Province

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

Subdivision "B" of
Lot Ten (10)
Block Six (6)
Dist. lot. Six hundred and forty four (644)
Group One (1), New Westminster Dist.

(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 - - - - - \$ _____
- (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) - - - - - \$ _____

Dec 8-47
amended
H.P.B.

(iv) Total value (if you cannot give separate values for lands and buildings just fill in total value) - - - - - \$ _____

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

7750.00
100
2417.00
100
5333.00
100
4325

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

(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 _____

(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) - - - - - \$ 5333.00 ^{4325.24}

(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.

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)
County of Yale)
TO WIT:)

I, Kukuhara Kisaburo of the Town
of Quana 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 Town)
of Quana)
in the Province of British Columbia)
this 22nd day of November)
A.D. 1947.)

K. Fukuhara
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.