

Name of Claimant HAYASHI, Eichi)
 HAYASHI, Kazuye)

Case 67

Custodian File 9751
 10170

<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
2535.	12.50 126.75 plus 965.00	Special								1104.25
<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			
70.	31.50	9.45								9.45
TOTAL RECOMMENDATION										1113.70

CASE NO: 67.

JAPANESE PROPERTY CLAIMS COMMISSION.

Kamloops, B.C.,
February 11th, 1948.

IN THE MATTER OF THE CLAIM OF
EICHI HAYASHI and KAZUYE HAYASHI.

PROCEEDINGS AT HEARING.

CASE NO: 67.

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.,

February 11th, 1948.

IN THE MATTER OF THE CLAIM OF
EICHI HAYASHI and KAZUYE HAYASHI.

PROCEEDINGS AT HEARING.20 APPEARANCES:

J.W.G. HUNTER, Esq.,

appearing for the
Dominion Government.

R.J. McMASTER, Esq.,

appearing for the
Claimants.

A. WATSON, Esq.,

Secretary.

G.N.R. UPTON, Esq.,

Official Interpreter.

G. HAMBLETON, Esq.,

Official Reporter.

30

Discussion.
E. Hayashi,
In Chief.

EICHI HAYASHI, one of the claimants herein,
being first duly sworn, testified through
the Interpreter as follows:

THE COMMISSIONER: Which of these men is the witness?

MR. McMASTER: Eichi. Eichi is the husband and the other
claimant is the wife.

THE COMMISSIONER: I see.

MR. McMASTER: My lord, with regard to this claim, and
for the sake of saving the time of the Commission--
and I think the ends of Justice will be served in
10 the long run -- we are asking to drop the claim with
r regard to the automobile, the difference being
relatively small and there being a considerable
amount of correspondence about it. I am instructed
that my claimant is also prepared to drop the claim
with regard to the iron, toaster, and five pieces
of brass and chrome tubing which the Custodian alleges
he did not find.

My lord, with regard to the iron, the claim
of the claimant was that there were two irons, one.
20 of them apparently was sold by the Custodian, the
other one, the Custodian, judging by his corres-
pondence, never found, so that in the claims
analysis which my friend produces, showing the total
amount auctioned on goods claimed, the \$4.50
credited for the iron, should be deducted. Perhaps
I might put that in as an exhibit on his behalf.

THE COMMISSIONER: Very well.

(CLAIMS ANALYSIS MARKED EXHIBIT NO. 1)

MR. McMASTER: Might I have the claim form. (Handed to
30 Mr. McMaster).

E. Hayashi,
In Chief.

DIRECT EXAMINATION BY MR. McMASTER:

Q Witness, is the top signature on this claim form
your signature?

THE WITNESS: A: Yes.

Q And is the second ~~one~~ the signature of your wife?

A Yes.

Q And did both of you make the declaration that appears
there? A: Yes.

Q Witness, did you instruct me to prepare a statement
10 with regard to your personal chattels which were
left on the premises?

THE INTERPRETER: A: Yes.

Q And is this your signature on this statement?

A Yes.

Q And are the contents true, to the best of your know-
ledge and recollection? A: Yes.

MR. McMASTER: I file that as Exhibit 2, my lord.

(STATEMENT MARKED EXHIBIT NO. 2).

THE COMMISSIONER: These amendments which Mr. McMaster
20 has made to his claim will reduce the total chattel
claim to \$70.00, will it not? on which there is
a credit of \$23.27?

MR. SHEARS: \$70.00 will be the claim. It is a question
of that net and gross again, really.

MR. HUNTER: While those figures are being corrected, my
lord, the gross for the sale of the real estate
property was \$2,535.00.

THE COMMISSIONER: Mr. McMaster, I notice in your
30 Exhibit 2 you show the toaster, electric iron and
five pieces of brass tubing.

E. Hayashi,
In Chief.

MR. McMASTER: Yes, my lord, I put a bracket at the side of those items. Those items are abandoned.

THE COMMISSIONER: Very good.

MR. McMASTER: Q: Witness, did you also instruct me to prepare a statement with regard to your real property with respect to which you are claiming?

A Yes.

Q And is that the statement? A: Yes.

Q And is that your signature on it?

10 A Yes.

Q And is that statement true to the best of your knowledge and recollection? A: Yes.

MR. McMASTER: I file that as the next exhibit, my lord.
(STATEMENT MARKED EXHIBIT NO. 3).

MR. McMASTER: I would point out, my lord, with regard to the real estate that it was a house situated at 261 West 20th Avenue, just on the edge of the new Cambie District, a five-room house with a full basement and garage, stucco finish, fir floors, and siding on the garage. It was purchased in 1941 for \$2750.00 and the claimant states that he made substantial alterations to the premises and shows the approximate cost. He is claiming the value at date of sale at \$4500.00.

20

THE COMMISSIONER: The date of sale being --

MR. McMASTER: The date of sale was --

MR. SHEARS: November 3rd, 1943.

MR. McMASTER: That is correct, my lord.

And he points out that the appraiser does not mention in his report the garage or the location of

30

E. Hayashi,
In Chief.

the premises and that these factors were important factors in determining the value as the Cambie District had become a first-class residential district.

He also refers, my lord, to the fact that he had been advised by his solicitor that the Custodian's file shows that after tenders were closed but before a valuation had been made and before the sale had been approved, the Custodian received a tender for
10 \$3500.00 for this property, cash, which he turned down. I would ask my learned friend if he can produce that tender.

THE COMMISSIONER: You do admit it?

MR. HUNTER: Yes, my lord. We will have an explanation.

THE COMMISSIONER: Yes.

MR. McMASTER: And would my friend admit the statement of facts which I have just related, that is, that after the tenders were closed and before the valuation was made, and the sale was approved, that the
20 tender was received?

MR. HUNTER: That is correct.

MR. McMASTER: Yes. Now the claimant also points out that when he left the premises, he took the key to Pemberton's and instructed them to find a suitable tenant to rent the house unfurnished, and he asked them to get \$45.00 per month rent. However, in view of the fact that he had allowed the vendor to stay on for two months at \$35.00 a month at
30 the time of purchase, Pemberton's advised him that due to Wartime Regulations he couldn't increase the

E. Hayashi,
In Chief.
Cross-Exam.

rent and it would have to stay at \$35.00 per month.

Your witness.

THE COMMISSIONER: Exhibit 3 is the real estate statement.

MR. McMASTER: Yes, my lord.

MR. HUNTER: My lord, we shall submit that the personal property was sold for its fair market value.

THE COMMISSIONER: That is personal property?

MR. McMASTER: Personal property, my lord.

MR. HUNTER: This may be a case, my lord, where property
10 may have been sold for less than its fair market
value; it was a peculiar situation. We shall en-
deavour to prove that it was sold for its fair
market value but in fairness to the claimant the
facts should be brought out and there may be a
possibility that this was sold for less than its
fair market value. On the file is a "memorandum
to File from F.G. Shears", explaining what happened
in this case, and Mr. Shears is here and can back it
up, if necessary, but I would suggest that I read it
and file it.
20

MR. McMASTER: I would think, my lord, this is a matter--

MR. Mr. Shears, I presume, will be giving evidence--
on which we would want to cross-examine. I don't
see any merit in filing it at this time, my lord.

THE COMMISSIONER: Well there is no harm in filing it
because it will give me the picture. I will allow
you to file it subject to Mr. McMaster having the
right to cross-examine the author of it.

MR. HUNTER: That is quite in order, my lord, and that
30 is the reason I wanted it in, so that you would know

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why the Custodian acted in the way he did.

The memorandum refers to the property claimed for. It says;

"Tenders for this property closed on October 4th, 1943, at which time the following offers had been received:

Ker & Ker - on behalf of Mr. Dan Chan - \$2300.00
Mrs. Elliott - \$2535.00

10

We were unable to immediately deal with these tenders as the appraisal asked for from J.R. Reid & Company had not been received.

"Letter dated October 26th was received from Mr. R.H. Stevens, offering \$3500.00 if no tender had been accepted.

"The acceptance of Mrs. Elliott's tender was dependent upon whether it was equal to or in excess of the independent appraisal when received.

20

"In the event of Mrs. Elliott's tender being less than the valuation, it would have been rejected, and we would have been in a position to negotiate with Mr. R.H. Stevens.

"J.R. Reid's appraisal was received on Nov. 1, 1943, in the amount of \$2500.00 and on this basis Mrs. Elliott's tender was accepted and Mr. Stevens' offer rejected by letter November 6th."

MR. McMASTER: Would you tell us the date of that memorandum, Mr. Hunter?

MR. HUNTER: It is not dated.

MR. McMASTER: You don't know when it was made?

30

MR. HUNTER: No.

E. Hayashi,
Cross-Exam.

(MEMORANDUM MARKED EXHIBIT NO. 4).

THE COMMISSIONER: There is no question, Mr. Hunter, about the \$3500.00 offer having been a bona fide offer?

MR. HUNTER: No, I don't think so, my lord; I think it was a bona fide offer. It was purely a question of the policy of the Custodian -- the tenders having closed, if any of the offers received by tender were the equivalent or more than the independent appraisal, they would have to be accepted; if they were not, then the question would have been open and negotiations could have been carried on. Whether that policy in a case like this should have been rigidly adhered to is a question for your Lordship's decision, but it was felt by the Custodian that that was a policy they should follow to the letter.

10

MR. McMASTER: My lord, in that connection I would like to ask my friend whether the person who tendered the \$2535.00 was ever advised that the tender was accepted or otherwise until after the approval of the Custodian or his advisory committee -- my point, my lord, is this, as to whether, in other words, there was any binding agreement with this person to sell for \$2535.00.

20

THE COMMISSIONER: Well I presume from the statement that has been made by counsel that nothing will have been disclosed to anyone until after the appraisal was received.

MR. HUNTER: That is correct, my lord. There was no binding acceptance of that offer.

30

E. Hayashi,
Cross-Exam.

MR. McMASTER: Thank you.

MR. HUNTER: There may be, my lord, some question of tenancy there. Apparently by the time Stevens had offered, the tenant had given an indication that they were leaving at the end of the month, and while I cannot say for sure, it may be that Stevens had knowledge of vacant possession which the others did not have. That is something we shall endeavour to find some definite evidence of.

10 I think that is all, my lord.

MR. McMASTER: Thank you, Mr. Hayashi.

(Witness aside)

MR. HUNTER: I would mention, my lord, in this case that there was a third offer which we didn't show-- it was so absurd that it was ridiculous. There was an offer for \$1200.00 which came in.

20 THE COMMISSIONER: Yes. Well, strict adherence to the policy does seem to me to have worked an injustice on the Japanese owner. However, I suppose now is not the time to pass upon it. I will say this, that there will have to be very cogent evidence in justification of the action that was taken before I would find that the fair market value was realized under the circumstances here.

MR. HUNTER: I can quite see your point, my lord, and we will produce the valuator and you can ask him why.

(PROCEEDINGS ADJOURNED SINE DIE)

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

Gordon Hambleton
"G. HAMBLETON"
Official Reporter.

NOV 27 1947

base 67

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

9751
10170

Kamloops

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

(1) NAME HAYASHI EICHI, HAYASHI KAZUYE (RCMP) Reg. No. 88194 7383
(Print) Surname Given Name

(2) Pre-Evacuation Address 261-W-20th AVE, VANCOUVER B.C.

(3) Present Address P.O. Box 30 CHASE, B.C.

(4) REAL ESTATE

(a) Street Address (if any) 261-W-20th AVE VANCOUVER, B.C.
City or Municipality, Province

(b) Legal description (lot number, block number, section number, etc.)
LOT 24 BLK 562, D.L. 526

(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.)... JOINT 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) - - - - - \$ 4,500.00
- (v) Amount at which Custodian sold property and credited your account - - - - - \$ 2,382.75 2535
- (f) Loss (This figure is arrived at by deducting item (v) from item (iv) - - - - - \$ 2,117.25

(5) PERSONAL PROPERTY

- (a) Place or places at which property was left by the claimant at date of evacuation
car was in the Custodian's hands, other chattels at 261-W-20th Ave Van
- (b) Type of premises in which property left (e.g., house, warehouse, garage, shed, church basement, etc.)
Basement + attic
- (c) How stored or packed at time of evacuation mostly unpacked

(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")

Custodian care

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

*abandoned
around.*

	CUSTODIAN CREDITED TO OUR ACCOUNT	Estimated Value \$
1. CAR	\$789.85	Estimated Value \$ 900.00
2. DESK NEW		Estimated Value \$ 25.00
3. FLOURESCENT LIGHT "	23 27 from 31	Estimated Value \$ 20.00
4. " BRASS DESK LAMP "		Estimated Value \$ 25.00
5. FOASTER "	LOST	Estimated Value \$ 10.00
6. IRON "	LOST	Estimated Value \$ 10.00
7. BRASS & 256 SPE CHROME TUBING	LOST	Estimated Value \$ 15.00
8. total	813.12	Estimated Value \$ total 1005.00
9.		Estimated Value \$ 813.12
10.		Estimated Value \$ 1918.8

70
23
46.7

TOTAL CLAIM FOR PROPERTY LOSS \$ 1918.8

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) - - - - - \$ 2,309.13

(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)
County of Yale)
TO WIT:)

Xi, We, Eichi Hayashi and Kazuye Hayashi of the Town
of Chase 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 Chase)
in the Province of British Columbia)
this 22nd day of November)
A.D. 1947.)

E. Hayashi

K. Hayashi

xxA Commissioner &c. A Notary Public in and for the Province of British Columbia

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.

1965
2535
11500

E. Johnston

EXHIBIT No. 67-1
DATE 11 Dec 1948
FILED BY R. S. McManis

EXHIBIT No. 67-1
DATE
FILED BY

NET TOTAL - - - \$931.18
Car Sale (Gross) \$810.00
Less expenses 20.15
Net proceeds 789.85
Total sales at auction - \$183.50
Less expenses 72.17
Net proceeds 111.33

Goods	Amount	Sale by Tender	Auctioned Dec. 7/43 - 1/47	Not found
Car	\$900.00			
Desk	25.00		9.00	
Fluorescent Light (new)	20.00		5.00	
Fluorescent Desk Lamp (brass)	25.00		17.50	
Iron	10.00		7.50	
Toaster	10.00			X
5 pc. Brass & Chrome tubing, 25 ft. (new)	15.00			X
	\$1005.00	\$810.00 and	\$36.00	

Re: Personal Property of Elbert HAVASKI and his wife, Kazuie HAVASKI, Files 9751 and 10170.

ANALYSIS OF CLAIM

9754

ANALYSIS OF CLAIM

FILE NO. 9751.

Re: MORRIS SEDAN CAR OWNED BY
EIGHT HAYASHI, Reg. No. 08819

Advertised:

Vancouver Daily Province - July 15, 1972
Vancouver Sun - July 16, 1972
Vancouver News-Herald - July 17, 1972

Duncan-Cowichan Leader - July 16, 1972
Granbrook Courier - July 16, 1972
Victoria Colonist - July 16, 1972

Victoria Times - July 15, 1972
Honey Gazette - July 16, 1972

Prince Rupert News - July 15, 1972
Prince Rupert Empire - July 16, 1972

New Westminster Columbian - July 15, 1972
(Tenders closed July 25, 1972)

Appraisals:

1 only

\$825.00 - July 15, 1972 by A.W. Cruise of Consolidated Motor Co.,
Vancouver.

Tenders:

\$75.00 - (no date)
\$70.00 - July 21, 1972)
\$70.00 - July 21, 1972)
\$65.00 - July 23, 1972)
\$695.00 - July 27, 1972) - Rejected
\$250.00 - July 27, 1972)
\$475.00 - July 27, 1972)
\$810.00 - July 27, 1972 - Accepted.

Sold by
Custodian

\$810.00 - to C.W. Pattison, 7893 Quebec Street, Vancouver, B.C.
Mr. Hayashi advised of sale on September 17, 1972.

Wire dated August 9, 1972 and letter of September 8,
1972, relative to Mr. Hayashi's acceptance of above
Tender of \$810.00, are filed on Claim File.

NOTE:

Value given by Mr. Hayashi in JP Declaration Form, May 20/72: \$1200.00
Value given by Mr. Hayashi in Claim Form, November 22, 1972: \$ 900.00

Net amount received by Custodian from sale of car
: \$ 789.85 (as per Car Sale Statement dated Jan. 13/73 on Claim File)

E. Hayashi

C
O
P
Y

THE CONSOLIDATED MOTOR COMPANY, LIMITED

Vancouver, B.C.
Canada.

VEHICLE APPRAISAL

Requested by: P. S. Ross and Sons
Custodian Number: A-24
Registered Owner: Eiichi Hayashi
Make and Model: Morris 8
Type: Sedan
Registration No.: 216077
Original Purchase: 20-11-40
Licence Number: 80-735 (BC 1942)
Mileage: 5,345
Tires: 5 tires Good
Replacement Cost: Original purchase price \$895.00. No Morris cars available for some time, believe last stock was sold for \$985.00.
Date Appraised: July 15, 1942.

My appraisal of the value of this vehicle is \$825.00.

Signed: A. W. Cruise, Manager

CONSOLIDATED MOTOR COMPANY LIMITED

AWC:CPK

EICHI HAYASHI

(Claimant's Name)

(Self + Kazuyo Hayashi)

PERSONAL CHATTELS

881947383

Reg. No.

Description of Major Items (and particularly of goods lost, stolen or destroyed)	Approximate Date Purchase	New or Used When Purchased	Price Paid	Condition when Evacuated	Estimated value at Date of Evacuation
1 Desk (specially made for cutting & sewing table 3'x5' with extension & drawer - made of fir & ply wood)	Oct 1941	new	\$35.00	good	\$25.00
Flourescent light	Oct 1941	"	\$20.00	not used	\$20.00
Flourescent brass desk lamp	Oct 1941	"	\$25.00	not used	\$25.00
Toaster	Oct 1941	"	\$10.00	good	\$10.00
Electric Iron	Oct 1941	"	\$10.00	good	15.00
5 pieces of brass and chrome tubing	recent			good	

EXHIBIT No. 67-2
 DATE 11 Feb. 1948
 FILED BY R. J. Mcmaster.

Description of Storage of Goods:

Desk, light fixtures, and tubing were left in the basement of my house.
 The toaster and Iron were in the attic.
 I had other household effects with respect to which I am not claiming, which were
 stored either in the basement or attic.

General Statement as to Chattels not Described above:

A large quantity of my household effects were
 sold at auction. While I do not think they brought a fair price, ^{I am not claiming for them} The above
 noted goods are so much out of line (or were not sold) that I am making a
 claim with respect to them.

Additional Comments, if any:

I had two electric irons. The one referred to above
 was new. One iron was sold for \$5.00, judging from the price I would take it that
 it was the old iron which was sold.

E. Hayashi
 SIGNATURE

EICHI HAYASHI
(Claimant's Name)

REAL ESTATE
(Other than farm)

8819
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
House 26' x 28' 261 West 20 th Ave Vancouver B.C.	5 rooms Full Basement & Garage 10' x 20'	Stucco 7 in floors (Siding on garage)	Residence	33' x 120'	June 1941	

Type of Locality	Cost Price	Improvements made by Claimant	Estimated Value	Date of Sale
Good residential district	\$2750 ⁰⁰	Addition to house 8x10 stucco finish in 1941 approx. cost \$375.00 Laid kitchen linoleum 35.00 New blinds 10.00 Put in electric door chimes 15.00 Took out sawdust burner & old furnace & put in automatic coal stoker & new furnace approx. 450.00 Had outside trim painted. 50.00 <u>935.00</u>	\$4500 ⁰⁰	

Comments re upkeep of premises:

The addition to the house was a sewing room or den. It required the adding to the cement foundation which increased the size of the basement.

EXHIBIT No. 67-3
DATE 11 Feb 1948
FILED BY R. J. Mcmaster

Comments re Appraiser's report not covered above:

The appraiser does not mention in his report the garage or the location of the premises. The latter factor added to the value of the house as well as the Cambie district on which this property bordered had by Nov 1943 (the date of the sale) become a first class residential district. I believe that prices of houses in Vancouver had generally increased by that date.

I am advised by my solicitor that the custodians files show that after tenders were closed but before a valuation had been made and before the sale had been approved the custodian received a tender of \$3500 for this property (cash) which he turned down.

When I left about June 1942 I took the key to Penkingtons & instructed them to find a suitable tenant to rent the house unfurnished. I asked them to get \$45⁰⁰ per mo. rent. However, they advised me that as when I first purchased I had let the vendor stay on for two months at \$35⁰⁰ per mo. I could not ask for \$45⁰⁰. Hence I agreed to rent it at \$35⁰⁰ per mo. unfurnished.

E. Hayashi
SIGNATURE

EXHIBIT No. 67-4
DATE 11 Feb. 1948
FILED BY R. J. McMaster

MEMORANDUM to File

From: F.G. Shears

Catalogue 388 - 261 West 20th Ave.

Tenders for this property closed on Oct. 4th, 1943, at which time the following offers had been received:

Ker & Ker - on behalf of Mr. Dan Chan - \$2300.00

Mrs. Elliott - 2535.00

We were unable to immediately deal with these tenders as the appraisal asked for from J.R. Reid & Co. had not been received.

Letter dated Oct. 26th was received from Mr. R.H. Stevens, offering \$3500.00 if no tender had been accepted.

The acceptance of Mrs. Elliott's tender was dependent upon whether it was equal to or in excess of the independent appraisal when received.

In the event of Mrs. Elliott's tender being less than the valuation, it would have been rejected, and we would have been in a position to negotiate with Mr. R.H. Stevens.

J.R. Reid's appraisal was received on Nov. 1, 1943, in the amount of \$2500.00 and on this basis Mrs. Elliott's tender was accepted and Mr. Stevens' offer rejected by letter November 6th.

F. G. Shears