

Name of Claimant

IWASHITA, Kesahiro

Case 80

Custodian File

XI/139

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% thereof	Charges 12.50 & Comm.	Sale Price	Total Award 80% of all Sale Prices % of Amount Total	Sale Price	Total Award 125% of all Sale Prices: % of Amount Total			
2800.	39.56 140.00										550.00 179.56
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 & 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	Applica- tion of % ratio to amount in next preceding column	Sale Price of goods Sold by Tender	12% of Sale Price				
TOTAL RECOMMENDATION											729.56

CASE NO: 80.

JAPANESE PROPERTY CLAIMS COMMISSION.

Kamloops, B.C.,
February 13th, 1948.

IN THE MATTER OF THE CLAIM OF
KESAHIRO IWASHITA.

PROCEEDINGS AT HEARING.

Original.

CASE NO: 80.

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)

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Kamloops, B.C.,
 February 13th, 1948.

IN THE MATTER OF THE CLAIM OF
KESAHIRO IWASHITA.

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

30

K. Iwashita,
In Chief.

MR. McMASTER: My lord, I would like to call No. 33
on the list next, Mr. Iwashita.

KESAHIRO IWASHITA, the claimant herein,
being first duly sworn, testified as
follows:

MR. McMASTER: My lord, in this case Mr. MacLennan
had applied to file the evidence by affidavit
and then thought wiser of it and requested the
claimant to appear.

10 THE COMMISSIONER: I see; all right.

DIRECT EXAMINATION BY MR. McMASTER:

Q Mr. Iwashita, is that your signature on this claim
form, and did you swear the declaration?

A Yes.

MR. McMASTER: My lord, before proceeding in this case
I would like to say -- in one respect I don't
think that it is relevant, and in another respect
I want to rest assured that it will in no way
20 affect the position of the claimant -- that this
claimant was interned at the beginning of the war.
I am sorry that Mr. MacLennan isn't here because
he actually was engaged at the time to endeavour
to ascertain the reason for his internment.
My advice from Mr. MacLennan was that inquiries
were made at the time from the R.C.M.P. and that
no information was forthcoming, that the matter
was finally raised on the floor of the house and
that he never received any very satisfactory
30 explanation except that it was intimated to him

K. Iwashita,
In Chief.

that this man's partner, possibly having an eye to business, had given certain information concerning this man which led the R.C.M.P. to take action.

THE COMMISSIONER: Well are we concerned at all? Is not the only prerequisite that he should be a Japanese-Canadian resident in Canada?

10 MR. McMASTER: Yes, my lord. My only purpose, as I say, is to make sure that it is on the record that that matter is not material and does not affect the standing of the claimant as to credibility and that type of thing.

THE COMMISSIONER: Well, subject to what counsel for the Government may have to say. It hadn't occurred to me that I am concerned with matters of that description. I am directed to inquire into claims of persons of the Japanese race who are resident in Canada at the date of the order, namely, July, 1947. Anything more than that, Mr. Hunter?

MR. HUNTER: No.

20 THE COMMISSIONER: The question of any enemy or of that description doesn't arise.

MR. HUNTER: It certainly is my impression, my lord, that it does not.

THE COMMISSIONER: That would be my view of it at the moment.

MR. McMASTER: Thank you, my lord.

Q Now, witness, did you prepare yourself this statement with regard to your real estate in respect to which you are claiming?

30 A Yes, I did.

K. Iwashita,
In Chief.

Q Is that your signature on that statement?

A Yes, it is.

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

A Yes.

MR. McMASTER: I file that as Exhibit 1, my lord.

(DOCUMENT MARKED EXHIBIT NO. 1)

THE COMMISSIONER: Mr. Iwashita, would you speak up a little louder, please? Perhaps you are suffering from a cold, too.

THE WITNESS: Yes.

MR. McMASTER: Having just come from Edmonton I wouldn't be surprised, my lord.

Q Mr. Iwashita, whereabouts were these premises situated?

A: In Dunbar Heights, Vancouver.

Q What was the address?

A 3843, if I remember correct.

Q What street?

A: Dunbar Street.

20 Q 3843 Dunbar Street.

A: Yes.

Q And that is an Occidental residential district, is it, in the main?

A: Yes, yes, it is.

MR. McMASTER: My lord, with regard to the statement that is filed, I draw attention, in describing the number of rooms that the claimant says six rooms including bathroom on the main floor. Normally I suppose we wouldn't include the bathroom as a room, but he makes it clear that he is counting that in.

30

K. Iwashita,
In Chief.

THE COMMISSIONER: Yes.

MR. McMASTER: And with regard to his acquisition of the property in 1935, under the heading there, "Cost Price", I draw your attention to the fact that he traded it for ten acres of fruit orchard at Westbank, B.C., the estimated value of which was between \$3500. and \$4000. He was also to receive a small share of crop returns for the succeeding three years. After he acquired it, he expended some money in fixing up the attic of the premises in the manner that is described. It shows the attic was made into a combined living and bedroom for the three daughters of the owner in the summer of 1941. A new fir floor was put in and the four walls and ceiling were covered with a high-grade insulation board.

You will notice that the front and back lawns were well maintained by a professional gardener.

Then with regard to the appraisal report, which I presume my friend will be filing, he states with regard to it and the question of access to the upstairs, the appraiser states that it was through a closet in the back bedroom and he doesn't feel that is a fair statement. He says, "It is true that the access was through the back room which I used as a den, but it was a proper closed in staircase and not a closet."

Then with regard to the condition of the building, my lord, it was in good condition in

K. Iwashita,
In Chief.

October, '42, the interior having been redecorated in December, '41. His wife informs him that it was kept in good condition until she left in October, 1942, he, my lord, having been required to leave in December, 1941. "I do not see how in one year the tenants could possibly get the exterior at least into 'a run-down condition' except possibly the garden". That quote is taken from the appraiser's report. "In any event, 10 \$350.00 worth of repairs, if required as alleged by the appraiser, ought not to depreciate the value of the premises to the extent of his appraisal". The appraisal, my lord, if I recall correctly, was \$2800.00. "The only repairs that might be required to be done by 1943 was the back stairs of the premises". If he had stayed in the premises he would have done it.

THE COMMISSIONER: When was the appraisal made?

MR. McMASTER: In 1943.

20 MR. HUNTER: The appraisal was \$2700.00, my lord.

MR. McMASTER: What date was that?

MR. SHEARS: 20th of September, 1943.

THE COMMISSIONER: Well there hadn't been much change in property values at that time according to my recollection.

MR. McMASTER: We will have to call evidence on that, my lord.

Now he points out that his wife gave the key of the house to P.C. Ross & Sons, the Custodian's agent, when she left, and that it was P.C. Ross & 30

K. Iwashita,
In Chief.

Sons who arranged the rental and the tenancy, and apparently they rented it at \$45.00 a month and the appraiser has said in his appraisal that he thought that was an excessive rental. It was rented unfurnished at that. The witness says in this statement that he did not believe the rental of \$45.00 a month unfurnished was excessive. He is claiming the value at the date of sale at \$4000.00.

10 Q Now, witness, I produce to you a picture. Could you tell me what that picture is?

A That is a picture of my house.

Q And approximately when was it taken?

A In 1940, if I remember right.

MR. McMASTER: I file that. It might be attached, my lord, to the Exhibit 1.

THE COMMISSIONER: Yes.

MR. McMASTER: Now, my lord, I have a picture showing some of the houses in the neighbourhood, right
20 across the street. I thought perhaps your Lordship might like to take a look at it to refresh your memory as to that neighbourhood. I don't think I need to file it.

THE COMMISSIONER: I know in a general way what type of house there is in the area. I will be glad to look at it.

MR. McMASTER: And I have a picture, my lord, that I do not propose filing but I would like your Lordship to look at it. It shows a part of the garden
30 which I think is an indication that it had been in

K. Iwashita,
In Chief.

good shape.

Q Now, witness, I notice that the lot is 33 x 110.
From your recollection are there many other houses
in the same block your house was in on the same
size lot? A: Same size.

Q Many or --? A: I guess all of them.

Q You think all of them in your block?

A Yes.

Q Were in that size? A: Yes.

10 Q And with regard to this exchange that took place in
1935, you mentioned that you were to receive a
small share of crop returns for the succeeding
three years from your Okanagan property that you
exchanged? A: Yes.

Q What share were you to get?

A If my recollection serves me right, approximately
\$450.00.

Q That is what you actually received?

A Yes.

20 Q What was that based on? A: I think a portion
of the amount of return exceeding \$2000.00.

Q I see. In the year 1935 what was the situation with
regard to the disposal of tree fruit crops?

A Very unsatisfactory condition.

Q How were the prices? A: Very
poor.

MR. McMASTER: Thank you. Your witness, Mr. Hunter.

MR. HUNTER: It is submitted, my lord, that this
property was sold for its fair market value.

30 Perhaps my friend will admit that the sale date

K. Iwashita,
In Chief.
Cross-Exam.

was the 8th of November, 1943.

MR. McMASTER: I believe that is right.

CROSS-EXAMINATION BY MR. HUNTER:

Q Mr. Iwashita, you say all these lots on the street were the same size. Is that an estimate of yours, or do you actually know?

A Estimate.

Q An estimate?

A: Yes.

10 Q Regarding this \$3500.00, and \$4000.00 estimated value of your ten acres, in effect you were receiving a house plus \$450.00 a year, is that correct?

A: \$450.00 for three years, yes.

Q Yes, for three years, so that you were receiving a house and about \$1350.00, is that correct?

THE COMMISSIONER: No.

Q A total of \$450.00, wasn't it?

A Yes.

20 MR. HUNTER: Q: Oh, you mean not for each year but for three years?

A: Well for three years I received the value of \$4500.00 approximately, because I estimated the original price of \$4000.00. No, \$3500.00 and \$4000.00, between it somewhere, that is estimated value of the original price. Then I was to get the additional share of the crop, so if the estimated value of the property was correct -- \$4000.00 -- I actually received \$4000.00 plus \$450.00 as share of the proceeds of the fruit crop.

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K. Iwashita,
Cross-Exam.

Re-Direct Exam.

Q How was the house finished on the ground floor,
was it wood painted or papered or was it plastered?

A Wood structure with stucco on the outside.

Q What about the inside? A: Inside, in the basement
no plaster, the ground main floor inside was
plaster.

Q Hardwood floors, did you say?

A Yes, hardwood floor for two rooms, that is living
room and dining room.

10 Q In the hall, too? A: Yes, in the hall.

Q The other rooms were fir, were they, fir floor?

A Yes, fir. Very good quality of fir.

Q What was the oak? It says here "oak", I presume
that is correct. A: Yes, oak.

MR. HUNTER: I think it is just a straight question of
value, my lord.

THE COMMISSIONER: Yes.

MR. McMASTER: My lord, just one question on re-
examination.

20

RE-DIRECT EXAMINATION BY MR. McMASTER:

Q Witness, when you made this exchange were you
told anything about the age of the house and its
construction? A: Yes, I was told

that the house was originally built by the father
of Mrs. Runacre for his wedding gift for his
daughter, that is Mrs. Waddington.

Q And she is the wife? A: Yes.

Q And were you told what the business or occupation
of the father-in-law was?

30

K. Iwashita,
Re-Direct Exam.

A He was a building contractor.

Q Approximately how long before you acquired it in 1935 were you informed it was built?

A I was told several years ago, so I think around 1930, around that time.

THE COMMISSIONER: I would like to clear up this question of the \$450.00.

MR. McMASTER: I am sorry, my lord. Is that not clear?

THE COMMISSIONER: Q: Did you get \$450.00 in each of
10 three years or was it a total of \$450.00?

A No, sir, a total of \$450.00 for three years.

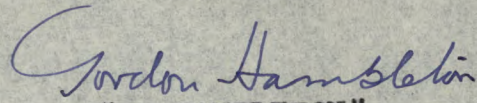
THE COMMISSIONER: Yes, that is what I thought it was.

MR. McMASTER: Thank you, Mr. Iwashita.

(Witness aside)

(PROCEEDINGS ADJOURNED SINE DIE)

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


"G. HAMBLETON"
Official Reporter.

20

30

NOV 28 1947

base 80
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

X1/139

L.H.

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

- (1) NAME IWASHITA KESAHIRO (RCMP) Reg. No. 00770
(Print) Surname Given Name
- (2) Pre-Evacuation Address 3843 Dunbar Street, Vancouver, B.C.
- (3) Present Address 11507 Fort Road, Edmonton, Alberta
- (4) REAL ESTATE
- (a) Street Address (if any) 3843 Dunbar Street, Vancouver British Columbia
City or Municipality, Province
- (b) Legal description (lot number, block number, section number, etc.)
Lot 4, Subdivision 3, Block 31, District Lot 139, Group 1
New Westminster District, plan 4699, City of Vancouver.
- (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 - - - - - \$ 3,500.00
(iii) If business, put value on business as going concern
(including land and buildings, tenancies, chattels,
fixtures, stock-in-trade, goodwill and accounts re-
ceivable) - - - - - \$ _____
(iv) Total value (if you cannot give separate values for lands and buildings just
fill in total value) - - - - - \$ 4,000.00
(v) Amount at which Custodian sold property and credited your account - - - \$ 2,760.44
(f) Loss (This figure is arrived at by deducting item (v) from item (iv) - - - \$ 1,239.56
- (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)

Kisahiro Iwashita
(Claimant's Name)

REAL ESTATE
(Other than farm)

EXHIBIT No. 80-1
DATE 13 Feb. 1948
FILED BY R. J. Mcmaster

00770
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	Main Floor: Six (6) rooms, including bath room. Attic: One (1) large living and bed- room of approximately 26x14, large windows opening on the front of back ends of the house.	Wooden structure with Stucco exterior.	Dwelling	33 ft x 110 ft.	1935	
Type of Locality	Cost Price	Improvements made by Claimant	Estimated Value	Date of Sale		

Residential district
of people of medium
income.

Traded for ten (10) acres of fruit
Orchard at Westbank, B.C., the
estimated value of which was
between \$3500 and \$4000.

\$300 (approximately) in
renovation of the attic.

\$4,000

Comments re upkeep of premises:

Both the building and garden
were left in good condition
by Mrs. K. Iwashita in October,
1942, when the Custodian took
over the property.

All the rooms on the main floor,
including Bath-room, were in
good repair, both the walls
and ceiling of which were
given either a new coat of
paint or paper in 1941.

The attic was made into a combined
living and bedroom for the three daughters
of the owner in the summer of 1941, a
new fir floor was put in and the
four walls and ceiling were covered
with a high grade insulation board.

The front and back lawns
were well maintained by a
professional gardener. In fact,
the garden was the object of
admiration of many passersby, espe-
cially when the flowers of season
were in bloom.

Comments re Appraiser's report not covered above:

With regard to the appraiser's comment that
the access to the upstairs room was through
a closet in the back bedroom, this is not
a fair statement in my opinion. It is true
that the access was through the back room,
which I used as den, but it was a
proper closed in staircase and not a
closet.

As to the condition of the building, it was in good
condition in October, 1942, the interior having been
redecorated in December, 1941. My wife informs
me that it was kept in good condition until
she left in October, 1942. I do not see how
in one year the tenants could possibly get the
exterior, at least, into "a run down condition",
except possibly the garden. In any event \$350
worth of repairs, if required as alleged by the ap-
praiser, ought not to depreciate the value of the
premises to the extent of her appraisal. The only
repairs that might be required to be done by

1943 was the back stairs of the
premises, which had I remained,
would have been done.

My wife gave the key to the
house to P.C. Ross & Sons, the
Custodian's agents, when she left.
It was them who arranged the
rental. I do not believe the
rental of \$45 per month unfurnished
was excessive.

K. Iwashita
SIGNATURE



Part of Exhibit 1

Campbell & Pound Limited

INSURANCE · REAL ESTATE · MORTGAGES



1807 W. BROADWAY AT BURRARD · PHONE CH. 3177

VANCOUVER, B. C.

EXHIBIT No. 80-2
DATE Jan. 20-1950
FILED BY M. McMaster

Oct. 5, 1949

Campbell, Brazier, Fisher & McMaster,
Barristers and Solicitors,
675 West Hastings St.,
Vancouver, B. C.

ATTENTION: MR. McMASTER

RE: 3843 DUNBAR STREET

Dear Sirs:

The property at the above address was well-known to the writer, years ago when he rented it to Japanese on behalf of an absentee owner.

About two months prior to the sale of the property by the custodian, a salesman of this office, Mr. L. A. Howe, had an offer to purchase in the amount of \$3,600.00, and contacted the firm of Frederick Field and Co. to submit the offer. Mr. Howe was told at that time that the property was not yet on the market for sale. Within a matter of weeks, we learned the property had been sold for \$800.00 less than the price we had submitted, and our salesman was very much angered by a system which would permit such an incident to occur.

Yours very truly,

CAMPBELL & POUND LIMITED

per:

P. A. Pound



P. S. Ross & Sons

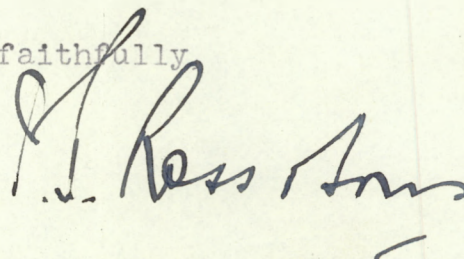
CHARTERED ACCOUNTANTSMONTREAL TORONTO WINNIPEG
CALGARY VANCOUVER
SAINT JOHN, N.B.411 Royal Bank Building,
Vancouver, B. C.
22nd September, 1949Our File 295-D.2D. T. Braidwood, Esq.,
Messrs. Sutton, Braidwood & Morris,
506 Royal Bank Building,
Vancouver, B. C.

Dear Sir:

re: Japanese Property Claims Commission
Case No. 80 - Kesahiro Iwashita

In response to yours of the 19th instant, we wish to advise that the property known as 3843 Dunbar Street, was advertised for sale by public tender on 25th September, 1943. The report on the bids received was advised to the Custodian by letter dated 19th October, 1943. Reference to this letter will indicate that no offer was received from Messrs. Campbell and Pound.

Yours faithfully

*Part of Exhibit 2.*

Norris & MacLennan

BARRISTERS AT LAW, SOLICITORS
NOTARIES PUBLIC

TELEPHONE PACIFIC 5254

CABLE ADDRESS: "NORRIS"
VANCOUVER, CANADA

T. G. NORRIS, K. C. - J. A. MACLENNAN, LL. B.

BANK OF NOVA SCOTIA BUILDING
602 HASTINGS STREET WEST

Vancouver, B. C.

December 22, 1947.

The Commissioner,
Office of the Custodian,
Royal Bank Building,
Vancouver, B.C.

Dear Sir:

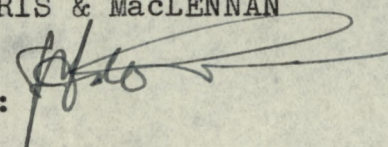
Re: Japanese Property Losses Claims
and Re: Iwashita (Kesahira); Reg.No.
00770.

The above-mentioned claimant filed
Statement of Claim with you on or about December
1st, 1947, and mentioned therein that he would
like to have his claim heard at Kamloops,
Vancouver, B.C., or Lethbridge, Alberta. It
has now been determined that it is desirable
that the claim should be heard at Vancouver,
and we would appreciate it if you would make
the alteration accordingly.

Thanking you, we are

Yours truly,

NORRIS & MacLENNAN

Per: 

JAM:mk

P.S. The claimant's evidence will be
short, but we contemplate asking leave
of the Commissioner to adduce this
claimant's evidence by affidavit or
declaration, in view of the fact that
he is ordinarily resident in Edmonton,
Alberta.

DEC 24 1947