Name of Claimant HAYASHI, Haruno Case 957

Custodian File 12409

REAL PROPERTY											Total
Greater Vancouver		Rural (except V.L.A.)			V.L.A. (except Mission Village)			V.L.A. Mission Village			
Sale Price	5% thereof & 12.50	Sale Price	10% there-of	Charges 12.50 & Comm.	Sale Price	Total Award 80% of all Sale Prices		Sale Price	Total Award 125% of all Sale Prices:		
						% of Total	Amount		% of Total	Amount	

PERSONAL PROPERTY								
Motor Vehicles		Boats and Boat Gear						
Sale Price	25% thereof	Sale Price	Nelson Bros. 23.5% of Sale Price	Other Sales 28.5% of Sale Price	Equipment charges paid to purchasers in error. Repay to owners	Amount of Claims for Boat Gear Declared & Not Found & Recorded Now Missing	45% of amount in next preceding column	

NETS						
Total award for Nets plus Sale Price	Total Claim for Nets Sold, Declared Not Found and Recorded Now Missing	Percentage Total Award to Total Claim	Claim for Nets Sold Declared Not Found, & Recorded Now Missing	Apply % ratio to Claim	Deduct Custodian Sale Price	

MISCELLANEOUS CHATTELS								
Claim for goods Sold By Auction	Sale Price of Goods Sold By Auction	Rebates of charges 30% of Sale Price	Ratio in % of Sale Price to Claim	Claim for goods Declared Not Found, Recorded Now Missing, & Sold Not Paid	Application of % ratio to amount in next preceding column	Sale Price of goods Sold by Tender	12% of Sale Price	
			46%	696.00	320.16	15.00	1.80	321.96

TOTAL RECOMMENDATION	321.96

1540

CASE NO: 957.

JAPANESE PROPERTY CLAIMS COMMISSION

Fort William, Ontario,

April 21st, 1948.

IN THE MATTER OF THE CLAIM OF

HARUNO HAYASHI.

PROCEEDINGS AT HEARING.

Original.

CASE NO: 957.

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 Fort William, Ontario,

April 21st, 1948.

IN THE MATTER OF THE CLAIM OF

HARUNO HAYASHI.

PROCEEDINGS AT HEARING.

20 APPEARANCES:

J.W.G. HUNTER, Esq.,	appearing for the Dominion Government.
S.M. CHERNIACK, Esq.,	appearing for the Claimant.

A. WATSON, Esq.,	Secretary.
D.J. HANDFORD, Esq.,	Official Interpreter.
T.P. HORROBIN, Esq.,	Official Reporter.

30

MR. CHERNIACK: I ask leave to amend, my lord. This is a chattel claim. The total value of the chattels is $711.00.

THE COMMISSIONER: Instead of $725.00?

MR. CHERNIACK: Yes, and there is a credit of $15.00, making the loss $696.00.

(MRS.) HARUNO HAYASHI, the claimant herein, being first duly sworn, testified through the Interpreter as follows:

10 DIRECT EXAMINATION BY MR. CHERNIACK:

Q Witness, I show you a typewritten statement. Was that prepared in accordance with your instructions with the assistance of your husband?

A Yes.

Q Is that your signature? A: Yes.

Q Do you swear the contents to be true to the best of your knowledge and recollection?

A Yes.

(STATEMENT MARKED EXHIBIT NO. 1).

20 MR. CHERNIACK: My lord, Exhibit 1 sets out an itemized list of the various chattels for which claim is made. It gives the date of purchase where it is known and in other cases it states as to having received some goods from the father and not knowing the purchase price or the date when they were purchased, and she gives the estimated value at the date of evacuation, my lord.

The comments set out, "All the above were reported to the Custodian at the time of evacuation.

30 They were left in our house at 236 Powell Street and

the doors and windows were locked and the key was given to D.M. Chope of the Custodian's office. All values have been depreciated in accordance to use. I have never been advised as to the disposition of the goods other than a sale of $15.00."

In connection with the key, my lord, I have a receipt signed by D.M. Chope for G.W. McPherson. I can file it with your Lordship, or if you would rather not clutter up the record I can show it to my learned friend and possibly he will admit it.

MR. HUNTER: That appears to be correct, my lord.

THE COMMISSIONER: If there is any question about it, there is no reason why it should not be filed, and it will be the subject of examination by the claimant later. You are quite satisfied it is Chope's signature?

MR. HUNTER: I don't know Chope's signature. That is why I say it appears to be correct.

THE COMMISSIONER: But Mr. Shears is beside you.

MR. SHEARS: Yes, it is a lady, Miss Chope, and I recognize the signature.

THE COMMISSIONER: Yes.

MR. CHERNIACK: That is the case, my lord.

MR. HUNTER: It is submitted, my lord, that the chattels sold were sold for their fair market value. It is submitted that the claims made for chattels not sold by the Custodian are extremely exorbitant. I would file the analysis of personal property claim as Exhibit 2.

(ANALYSIS MARKED EXHIBIT NO. 2).

MR. HUNTER: I would file also, my lord, a report of Harold D. Campbell, datedSeptember 30th, 1942, which, of course, will be identified by him later. It will be filed for information at this time, in which he says;

"1. The declared property in this case consists mainly of the chattels of the small rooming house situated behind the store. The property itself was presumably owned by the declarant's husband, Genji Hayashi, but on the Evacuation Section endeavouring to file a vesting certificate, it was found that title was actually vested in Hanyoemon Hayashi whose location has not as yet been ascertained, or just what relation he is of the declarent. In any case there has been and is no rent being paid for the premises. Regardless of title it is apparently a family matter.

"2. The inventory listed in the 'JP' declaration is correct. One item listed as a 'money box' should be altered to ' safe'.

"3. The declarent is still on the premises and has been endeavouring to rent same together with the chattels listed in the Declaration.

"4. The property is really one of the worst on Powell Street. The top rooms of the rooming house behind the store are entirely without any heating arrangements. Part of the rooms, as listed in the 'JP' Declaration, are actually two cabins at the rear of the property which have no plumbing facilities whatsoever and the floors have disappeared and are simply now packed mud and I imagine will

definitely be condemned by the City as unsuitable for human habitation.

"5. The chattels themselves are only about half complete for furnishing the rooms and of the poorest possible quality.

"6. There are three sinks in the building and a couple of toilets but as usual there is no bath in the building.

"7. It is my definite opinion that before any attempt is made to rent the premises in conjunction with the chattels, the property should be inspected by the City Building Inspector and as Mrs. Hayashi is still on the premises, I have deferred doing this until her evacuation."

(REPORT MARKED EXHIBIT NO. 3).

CROSS-EXAMINATION BY MR. HUNTER:

Q Mrs. Hayashi, you list here four bureaus with small mirrors that were bought by your father and given to you in 1934. When did your father buy them?

A I don't know.

Q You don't know. And after you received them in 1934, they were used in this rooming house, were they? A: Yes.

Q By the roomers? A: I was using them for myself.

Q Were you using all four of them?

A They were used by the occupants.

Q Were you and your family using all four of these, or were some of them used by the roomers who were living in your rooming house?

A All four were used by the occupants.

Q By roomers? A: By roomers, yes.

Q And this bureau with the large mirror that was bought in 1937 for $40.00, I presume that was used by yourself, was it? A: No, I never used that.

Q Who used it? A: It was used by the roomers.

Q By the roomers. And the 13 beds and complete bedding
10 were used by the roomers? A: Yes, they were all used by the roomers.

Q They were ordinary iron beds, were they?

A Yes, mixed beds.

Q And how old were most of those beds?

A They were old.

Q Yes, they were old and these 41 chairs, they were kitchen chairs, were they?

A Mixed chairs. There were all sorts of chairs.

THE COMMISSIONER: Q: They were which?

20 A All sorts of chairs. Kitchen chairs and others.

MR. HUNTER: Q: They were plain wooden chairs, is that it? A: Yes, plain wooden chairs.

Q Now this kitchen table that you bought new in 1935, for $35.00, I suppose that was one that was being used by you, was it? A: I was using that for myself.

Q Yes, and it must have been a pretty elaborate kitchen table,,wasn't it, for $35.00?

A It was one of those tables you can extend with a
30 board.

Q And you were using it? A: There were wheels on it.

Q Castors, you mean? A: Castors.

Q You used that after you bought it, did you, until you were evacuated? A: Yes.

Q Now these 13 bedroom tables at $26.00, they were used by the roomers, I presume?

A Yes.

Q And they were what, plain wooden tables with four legs, I presume? A: Yes.

Q Ordinary wooden tables? A: Ordinary wooden tables.

Q Yes, just plain. A: They were different sizes.

Q These two Japanese tea sets at $25.00 for which you paid $50.00, or 160 yen, were they something special? A: They were with a very fancy finish, with a flower design.

Q Were they complete when you left or had you dropped the odd one from time to time?

A It was still complete.

Q And how many teas would be in a tea set?

A It was a set for six persons or eight persons. It would have about eight teas to the set.

Q And they were not a really expensive type or they would have cost a lot more than that, I presume?

A It was intermediate.

Q It was a sort of a medium type?

A Medium type.

MR. HUNTER: That is all, my lord.

THE COMMISSIONER: Mr. Hunter, I notice that Exhibit 2 shows these chattels were sold by tender. Could you give us any details of that??

MR. HUNTER: I should have explained that. I am sorry. This place was broken into on an average of about three times a week. They kept boarding it up and putting on new locks but the burglars were very ingenious, they even nailed the windows open so the authorities couldn't shut them. They knew who it was and why they didn't prosecute, I don't know. They were boys in the neighbourhood. There was a collection of junk left which was later sold on payment of $15.00 and when the purchaser saw what was there, he promptly offered to sell it back for $10.00, which was really the cost of taking it away.

THE COMMISSIONER: The claim must be approached from the point of view that very considerable damage had been done by vandals prior to the sale.

MR. HUNTER: Well there was nothing left. What was left was just a handful of junk. I think it is entirely a question of value. We have to admit the things were there. We are not denying that they were there, but I do submit what was sold was very meagre and a very limited amount. I suppose even with what was sold the question of depreciation and perhaps vandalism might have to be taken into account, my lord.

THE COMMISSIONER: At a first examination of the documents, it might appear that all these goods of a value alleged by the claimant at $711.00 was only worth

$15.00. That is not the fair interpretation to be put upon the situation.

MR. HUNTER: No, it certainly is not, my lord.

THE COMMISSIONER: I follow it now.

MR. CHERNIACK: My lord, may I ask the name of the purchaser of these goods?

MR. HUNTER: Peter Hem, I think it was, my lord.

THE COMMISSIONER: All right, that is all, thank you.

(Witness aside)

10 (PROCEEDINGS ADJOURNED SINE DIE)

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

T. P. Horrobin

"T.P. HORROBIN"
Official Reporter.

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Case 957 NOV 26 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.

ACKNOWLEDGED

12409

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

(1) NAME HAYASHI (Print) Surname HARUNO Given Name (RCMP) Reg. No. 02967

(2) Pre-Evacuation Address 236 POWELL ST, VANCOUVER, B.C.

(3) Present Address P.O. BOX 195, GERALDTON, ONT.,

(4) REAL ESTATE

(a) Street Address (if any) _____ City or Municipality, _____ Province

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

(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.) _____

(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) - $ _____

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

(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
236 POWELL ST, VANCOUVER, B.C.

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

(c) How stored or packed at time of evacuation LOCKED THE BUILDING AND KEPT THE KEYS TO CUSTODIAN

(over)

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

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

1. 13 FURNISH ROOM Estimated Value $ 625 00
2. 3 BOX KITCHEN UTENSIL Estimated Value $ 75 00
3. 2 KITCHEN DRAWER Estimated Value $ 25 00
4. Estimated Value $
5. Estimated Value $
6. Estimated Value $
7. Estimated Value $
8. Estimated Value $
9. Estimated Value $ 711
10. Estimated Value $

TOTAL CLAIM FOR PROPERTY LOSS $ 725 00

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) - - -

H. HAYASHI
(Claimant's Name)

PERSONAL CHATTELS

02967
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
4 Bureaus with small mirrors	Bought by father and given to me in 1934			Fair	$40.00
1 Bureau with large mirror	1937	New	$40.00	Good	25.00
13 Beds and complete bedding	- Same given to me by father and 4 or 5 steel beds bought by me - Bedding was in excellent condition			Fairly good	390.00
41 Chairs	About 20 received from father and balance bought by me from time to time at average of $4.00 each			Mostly in good shape	82.00
1 Kitchen table	1935	New	35.00	Good	25.00
1 Parlor Table	Received from father in 1934			Good	10.00
1 Coffee Table	1935	New	18.00	Good	12.00
13 Bedroom Tables	8 received from father and 5 bought by me for $5.00 each			Good	26.00
1 large Kitchen cupboard	Received from father			Good	15.00
1 small Kitchen Cupboard	1937	New	15.00	Good	10.00
CONTENTS OF 3 BOXES OF KITCHEN WARE					
1 Electric Heater	1938	New	6.50	Good	5.00
2 Japanese Tea Sets	1932	New (In Japan)	160 yen or $50.00	Intact	25.00
1 Japanese Tea Tray	1932	New (" ")	30 yen or $10.00	Intact	5.00
1 dozen Rice Bowls	1934	New (" ")	6.00	Intact	3.00
3 dozen mixed dishes	Time to time	New (" ")	~~XXX~~	Intact	5.00
1 Aluminum Saucepan	1940 ~~Received from father~~	New	8.50	Good	6.00
~~Description of Storage of Goods:~~ 1 Steel saucepan	RECEIVED FROM FATHER			Good	5.00
3 Flower vases	Received from father			Good	5.00
2 Japanese engraved steel trays	1932	New (In Japan)	60 yen or $20.00	Good	10.00
1 pair ice skates	1938 or 1939	New	11.00	Good	7.00
					$711.00
				Received by Custodian	15.00
				NET LOSS	$ 696.00

ADDITIONAL COMMENTS, IF ANY:

~~General Statement as to Chattels not Described above:~~ All the above were reported to Custodian at time of evacuation. They were left in our house at 236 Powell Street and the doors and windows were locked and the key was given to D. M. Chope of Custodian's office. All values have been depreciated in accordance to use. I have never been advised as to the disposition of the goods other than a sale of $15.00.

EXHIBIT No. 957-1
DATE 21 apr 1948
FILED BY
R. W. Thermack

Additional Comments, if any:

H. Hayashi
Signature

ANALYSIS OF PERSONAL PROPERTY CLAIM

FILE No 12409 EXHIBIT No.

NAME HAYASHI, Haruno (Mrs. Genji) REG. No. 02967

DATE	INVENTORY	DETAILS OF CLAIM		SALES		SOLD WITH REAL PROP.	DECL. NOT FOUND
DECLARATION Aug. 21/42 EVACUATION Oct. 26/42.	TAKEN BY H.D. Campbell DATE 30 Sep 42			AUCTION	TENDER &c		
236 Powell St., Vancouver. 5 bureaus, 41 chairs, 16 tables 2 heaters 1 kitchen stove 1 desk 1 money box 2 cupboards 1 chest of drawers 3 boxes of kitchenware, 1 desk 13 beds These things have been left in the rooms that are to be rented. 2 trunks are to be left in one room. The keys will be brought to Custodian.	EXCERPTS FROM REPORT OF CAMPBELL: ".....The inventory listed in the JP Declaration is correct..... The declarant is still on the premises..... The property is one of the worst on Powell Street...part ofthe rooms...are actually two cabins at the rear...and the floors are simply now packed mud and I imagine will definitely be condemned by the City as unsuitable for human habitation..... The chattels themselves are only about half complete for furnishing the rooms and of the poorest possible quality....." See Ref #P.P.1	13 furnished rooms 3 box kitchen utensil 2 kitchen drawer	625.00 75.00 25.00		All chattels sold $15.00		

EXHIBIT No. 957-2
DATE 21 apl 1948
FILED BY J. W. G. Hunter

ILE No 12409 EXHIBIT No. CASE No.

EG. No. 02967 VENUE

SALES		SOLD WITH REAL PROP.	DECL. NOT FOUND	NO RECORD AT ANYTIME	ABANDONED	NO ACCOUNT, THEFT &c	UNSOLD		REMARKS
AUCTION	TENDER &c								
	All chattels sold $15.00								

RE - HAYASHI, HARUNO (Mrs. Genji)

236 Powell Street, Vancouver, B. C. - 02967

YOUR FILE NO. 12409.

---

1. The declared property in this case consists mainly of the chattels of the small rooming house situated behind the store. The property itself was presumably owned by the declarent's husband, Genji Hayashi, but on the Evacuation Section endeavouring to file a vesting certificate, it was found that the title was actually vested in Hanyoemon Hayashi, whose location has not as yet been ascertained, or just what relation he is of the declarent. In any case there has been and is no rent being paid for the premises. Regardless of title it is apparently a family matter.

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6. There are three sinks in the building and a couple of toilets but as usual there is no bath in the building.

7. It is my definite opinion that before any attempt is made to rent the premises in conjunction with the chattels, the property should be inspected by the City Building Inspector and as Mrs. Hayashi is still on the premises, I have deferred doing this until her evacuation.

"H. D. Campbell"

September 30, 1942.

EXHIBIT No. 957-3

DATE 21 April 1948

FILED BY J. W. G. Hunter

I hereby certify that the foregoing words are a true copy of the original whereof they purport to be a copy.

June 15,1948

Mulanstall
6 24