

Name of Claimant

HAMANISHI, Riyo

Case 269

Custodian File

6680

<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 % of Amount Total	Sale Price	Total Award 125% of all Sale Prices: % of Amount Total		
		500		25.00		(reduced to 1/3)			79.16	
<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			
142.74	56.25	16.87	39.42	78.51	30.95				47.82	
TOTAL RECOMMENDATION										126.98

CASE NO: 269

JAPANESE PROPERTY CLAIMS COMMISSION

Grand Forks, B.C.

May 25, 1948

IN THE MATTER OF THE CLAIM OF
(MRS) RYE HAMANISHI

PROCEEDINGS AT HEARING

IN THE MATTER OF THE "INQUIRIES ACT."
PART 1. REVISED STATUTES OF CANADA 1927, CHAPTER 99

JAPANESE PROPERTY CLAIMS COMMISSION

B E F O R E

(HIS HONOUR, JUDGE ERIC P. DAWSON, SUB-COMMISSIONER)

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Grand Forks, B.C.

May 25, 1948

IN THE MATTER OF THE CLAIM OF
(MRS) RIYE HAMANISHI

PROCEEDINGS AT HEARING

20 APPEARANCES:

HAROLD W. McINNES, Esq.,

appearing for the
Dominion Government.

A.E. COBUS, Esq.,

appearing for the
Claimant.

L.A. DODD, Esq.,

Secretary to Grand
Forks Sub-Commission

MRS. I.C. SMITH,

Official Interpreter

G. HAMBLETON, Esq.,

Official Reporter

30

MR. COBUS: The claim, your honour, of Mrs. Riye Hamanishi, No. 8 on the original list.

THE COMMISSIONER: What is the claim number of this one?

MR. COBUS: 269, your honour.

THE COMMISSIONER: 269, yes.

(MRS) RIYE HAMANISHI, the Claimant herein, being first duly sworn, testified through the official interpreter as follows:

- 10 MR. COBUS: The claim for real property, your honour, remains as originally submitted, at \$700.00 for a one-third share in a parcel known as Lot No. 1 and 2 of Block 113, which was owned by three persons: one Ishimatsu Atagi, one Tokuro Terashita, and Riyo Hamanishi, the present claimant. The second named owner, Tokuro Terashita, is submitting a claim for his one-third during these sittings. No claim, as far as I am aware, is being submitted on behalf of Ishimatsu Atagi.
- 20 In other words, the one-third interest represents one third of the valuation of \$2100.00.

THE COMMISSIONER: Yes.

MR. COBUS: As to personal property claimed, the gas boat and gear under items 1 and 2 of 5 (e) are being abandoned, as usual subject to the Terms of Reference being broadened.

MR. McINNES: 5 (e), 1 and 2, are being abandoned?

MR. COBUS: Correct.

- THE COMMISSIONER: Those are the items of \$450.00 and
- 30 \$200.00.

MR. COBUS: The skiff, item 3, remains at \$10.00.

The household goods become \$216.75.

THE COMMISSIONER: \$216.75.

MR. COBUS: That is correct, your honour, instead of \$200.00, a total, therefore, of \$226.75. We delete the credits shown in typing on the form and give credit to the Custodian of \$56.00, leaving a net claim for chattels of \$170.75, which, coupled with the net claim for realty, makes the total claim \$370.75.

10

MR. McINNES: That is \$200.00 on the land, is it?

MR. COBUS: Yes, that is correct.

DIRECT EXAMINATION BY MR. COBUS:

Q: Witness, I produce to you a statement concerning the real estate for which you are claiming. Did you instruct Mr. Leckie to prepare this statement for you and is that your signature?

A: Yes.

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

A: Yes.

MR. COBUS: I would ask to file the statement concerning real estate as the first exhibit, your honour.

(STATEMENT MARKED EXHIBIT NO. 1)

MR. COBUS: I would ask my learned friend to produce the appraisal made on the property in question.

(Handed to Mr. Cobus)

30

I have what purports to be an appraisal upon

the property which is the subject matter of this claim described as 1130, 1136, 1140, and 1150 Stewart Avenue, Nanaimo Townsite, B.C., land and four buildings. It appears to be signed by one C.N.W. Evans of R.H. Rowe and Company, Limited, Nanaimo, B.C., but bears no date. I would ask to file the appraisal.

MR. McINNES: The total appraisal is \$1425.00, is that correct, Mr. Cobus?

10 MR. COBUS: Total, \$1425.00. That appears to be correct, your honour.

THE COMMISSIONER: That is a total of \$900.00 for improvements, I gather.

MR. COBUS: I think so. I file that on behalf of the Crown.

(APPRAISAL MARKED EXHIBIT NO. 2)

MR. COBUS: Referring to the statement, your honour, the claim concerns four dwellings on a lot
110 feet on Dunsmuir Avenue with about 125 feet
20 of water frontage. It was purchased in 1929 at a cost of \$1050.00. It is located in a residential district on the waterfront and the only improvement on the land when purchased was the skeleton of No. 1140. From the date of purchase the claimant, along with co-owners, erected at No. 1136 a four-room cottage, and in 1933 erected No. 1130, and in 1929 erected No. 1140 and No. 1150.

30 With respect to the appraisor's report, the witness says that house No. 1136 was all

R. Hamanishi
In Chief

shingled when they left the property, that the floors were in good condition, and so, too, the roof. It was in quite good condition, and the piling was in good shape. The piling had been renewed from time to time as required as this house was on the water. House No. 1130, she says, was in quite good condition when evacuation occurred, and houses 1140 and 1150 were also in good condition. The claimant believes that the valuation at \$1425.00 is below a fair value for the property. She indicates that she holds a third interest in the property under her late husband, Shiyezo Hamanishi, with one Atagi, who is now in Japan, and one Terashita, who is now in Greenwood. Terashita, she says, is making a claim for his one-third interest. She says the Custodian rented these properties and accounted for rents collected, but she does not know what was the actual monthly rental obtained. She believes that when sold by the Custodian in August, 1944 for \$1500.00 that this property would be worth at least the sum of \$2100.00, and her one-third interest therein therefore worth \$700.00. As indicated above, under improvements made by the claimant, she says she is unable to estimate the original cost of the houses Nos 1136 and 1130.

Q: Now, witness, I produce to you a statement concerning the personal chattels for which you are claiming. Did you instruct Mr. Leckie to pre-

R. Hamanishi
In Chief

pare this statement and is that your mark?

A: Yes.

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

A: Yes.

MR. COBUS: I would ask to file the statement concerning personal chattels as the next exhibit, your honour.

THE COMMISSIONER: Exhibit No. 3.

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(STATEMENT MARKED EXHIBIT NO. 3)

MR. COBUS: The statement, your honour, lists in detail the items for which claim is being made, and totals \$226.75. With respect to where the goods were stored, the claimant says the goods were left in the house at 1140 Stewart Avenue, Nanaimo, the skiff in the woodshed. As to comments, she says she got some kitchenware from the Custodian, a lot of the dishes, however, were broken. Most of her kitchenware, she says, she did not receive and it is for this that she is estimating a claim. All of the goods claimed were declared by her in her J.P. declaration of April 27, 1942 or, if not so declared -- and that would concern only a few items -- were found by the Custodian and sold by him. She notes that she has allowed for depreciation on all articles.

20

THE COMMISSIONER: She lived in one of the houses, did she?

MR. COBUS: She lived in one of the houses, your honour.

30 Q: Witness, did you live at 1140 Stewart Avenue,

R. Hamanishi
In Chief
Cross exam

Nanaimo, B.C.?

THE INTERPRETER: Would you give me the address again,
please?

MR. COBUS: 1140.

A: She did.

MR. COBUS: Your witness.

MR. McINNES: With respect to the real estate, your
honour, it is submitted that the real estate
was sold for at least its fair market value.

10 With regard to the personal chattels, it is sub-
mitted those that were sold were sold for their
fair market value. As to certain others, they
were not declared and not found and do not come
within the Terms of Reference. In respect of
any others that came into the possession of the
Custodian, it is submitted that the amount claim-
ed is exorbitant.

20 With respect to the real estate, I have an
assessment notice for the year 1944, if my friend
would like to see it. The assessment for 1944
for this property shows land at \$400.00, improve-
ments at \$1,000.00, total, \$1400.00.

MR. COBUS: That appears to be correct, your honour.

MR. McINNES: So much for the land.

CROSS EXAMINATION BY MR. McINNES:

Q: Mrs. Hamanishi, from time to time you requested
that certain of your goods be sent to you at
Greenwood, is that correct? A: Yes.

30 Q: On the 21st of July, 1942, you asked that four

sacks of rice, one tub of shoyu, one box containing four one-gallon tins of shoyu, and four boxes of foodstuffs be sent? A: Yes.

Q: You did receive them? A: Yes, I have.

Q: Now, a great many of these articles that you are now claiming for were in the ceiling or attic of your home, is that correct, in Nanaimo?

THE INTERPRETER: Would you repeat that question, please?

10 MR. McINNES: Will you read the question.

(Question read)

A: I left them in the room, not in the attic or the ceiling.

THE COMMISSIONER: What was that answer?

THE INTERPRETER: A: I left them all in the room, not in the attic.

MR. McINNES: Q: I am told that on the 15th of October, 1942, you wrote to Mr. H.F. Green of the Custodian's office. A: Yes.

20 Q: And you told him in that letter that you were enclosing a list stating the items or articles "left on the ceiling of my house at 1140 Stewart Avenue, Nanaimo." A: Yes.

Q: You remember that? A: Yes.

MR. COBUS: I wonder if my friend would allow me to interrupt at this point? I think that it is quite so that on October 15, '42, certain items were listed and the Custodian was informed thereof, but I think if my learned friend examines
30 the articles for which claim is being made, the

claim will be seen to be restricted to articles which were declared on the J.P. form, or alternatively were found and sold by the Custodian. I think it is admitted that this claimant did write a letter indicating that she had stored certain things in the attic which she had not declared, but no claim is being submitted therefor.

MR. McINNES: Very well.

10 Q: Now, on May 31, 1944, you sent a requisition in, or a request that a large number of your effects be sent to you?

A: I did request to have those things sent to me, but I had no reply.

Q: You say that you didn't get them?

A: No, I didn't receive them.

THE COMMISSIONER: Q: She wrote for a list but she didn't have them sent? She wrote for them to be sent, but they didn't come, is that it?

A: Yes.

20 MR. McINNES: Q: And then in April 19, 1945, you again requested a number of articles to be sent to you?

A: I wrote several times but I had no reply. The reply came to say that they couldn't find anything.

MR. McINNES: That is all, thank you.

THE COMMISSIONER: Have you any re-examination, Mr. Cobus?

MR. COBUS: I think not, your honour.

MR. McINNES: For my friend's information, your honour,
30 I might just deal for a moment with that real

estate. There were three offers, according to the file, received for the real estate in question, one for \$500.00, one for \$800.00 and a third one for \$1500.00, for which the property was sold.

THE COMMISSIONER: Do you know anything about the person making the appraisal, whether he belonged to a regular real estate firm?

10 MR. McINNES: I am going to see if there is anything on that, your honour.

THE COMMISSIONER: R.H. Rowe and Company, Limited, Nanaimo. I don't know whether they are a regular real estate firm or not.

MR. McINNES: I am afraid I don't know about that, your honour.

(Witness aside)

(PROCEEDINGS ADJOURNED SINE DIE)

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

20

Gordon Hambleton

G. Hambleton,
Official Reporter

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

Eric P. Dawson

E.P. Dawson,
Sub-Commissioner.

30

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

6680
by Forks

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

- (1) NAME HAMANISHI Riyo (Mrs.) (RCMP) Reg. No. 07896
(Print) Surname Given Name
- (2) Pre-Evacuation Address NANAIMO, B.C.
- (3) Present Address Box 577, Greenwood, B.C.
- (4) REAL ESTATE
 - (a) Street Address (if any) 1140 Stewart Ave., Newcastle Townsite, Nanaimo Dist.
City or Municipality, Province
 - (b) Legal description (lot number, block number, section number, etc.)
Lot No. 1.2. Block 113
This estate is owned by 3 persons
Ishimatsu Atagi
Tokuro Terashita
Riyo Hamanishi (claimant)
 - (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.) One-third interest
 - (e) Fair market value at date of sale (estimate this to the best of your ability):

(i) Land	- - - - -	\$	<u>434.00</u>
(ii) Buildings	- - - - -	\$	<u>267.00</u>
(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)	- - - - -	\$	<u>700.00</u>
(v) Amount at which Custodian sold property and credited your account	- - - - -	\$	<u>500.00</u>
			<u>200.00</u>
 - (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
New Castle Townsite, Nanaimo, B.C.
 - (b) Type of premises in which property left (e.g., house, warehouse, garage, shed, church basement, etc.)
Left at the house
 - (c) How stored or packed at time of evacuation _____

3 em

Mrs Ryo Hamanishi
(Claimant's Name)

REAL ESTATE
(Other than farm)

EXHIBIT No. 269-1
DATE 25/5/48
FILLED BY Claimant

07896 -
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
1130-1136-1140-1150 <u>Stewart Ave. Nanaimo Townsite BC</u> - land & 4 buildings		the skeleton of # 1140 was erected on the lands when purchased - no other improvements	dwellings	110' on <u>Sumner Ave</u> (about 125' waterfrontage)	1929	Apr 19

Type of Locality	Cost Price	Improvements made by Claimant	Estimated Value	Date of Sale
Residential district on water front -	1050.00	① Erected # 1145 - 4 room cottage - - moved onto property in 1930 - frame on posts - no cellar - ship - lap papered inside - fir floors ② Erected # 1130 - 3 room cottage - - moved onto property in 1930 - frame on posts - shingle roof - no cellar - ship lap (papered) inside and fir floors ③ Erected #s 1140 and 1150 (one from original precession) in 1929 - - double houses, each 4 rooms on one floor - on posts - no cellar - ship lap (papered) - - shingle roof - some part brought materials - cost about 100	2100.00 $\frac{1}{3}$ int = 700.00	

Comments re upkeep of premises:
General repairs were done as required

Comments re Appraiser's report not covered above:

House # 1130 was all shingled when we left the property and the floors were in good condition, also good. It was quite good condition and piling in good shape. Piling was renewed from time to time as required as this house was on the water - House # 1130 was in quite good condition when evacuation occurred. Houses #s 1140 & 1150 were also in good condition. I believe the valuation at 11425 to be below a fair value for this property.

Comment: I held a third interest in this property (under my late husband, Shigezo Hamanishi) with Ichimatsu Atagi (in Japan) and Tokuzo Terashita (in Greenwood). Terashita is making claim for his 1/3 interest. The Custodian rented these properties and accounted for rent collections but I do not know what was the actual monthly rental obtained. I believe that when sold by the Custodian in Aug 1944, for 1500, that Her this property would be worth at least the sum of Ryo X Hamanishi 2100.00 and my 1/3 interest therein worth 700.00. I am unable to estimate the original costs of houses #s 1136 and 1130.

Ryo X Hamanishi
SIGNATURE

611

1130-1136-1140-1150 Stewart Avenue 25/5/48

FILED BY

Crown

1130 is a small three room cottage, consisting of kitchen, living room and bedroom, with water in the house, no other plumbing. The house is built on posts, with 6x6 stringers and 2x6 joists. It is of light construction, has no brick chimney finished outside with shiplap. The back portion of this is covered with shingles. The inside is finished with shiplap, the floors are in poor condition and the roof is shingled but the shingles are not in very good condition. I would put a value on this house of \$125.00.

1136- This is constructed below the high water mark on piling, the building in very poor condition and the piling being eaten away to a dangerous extent by teredos. The building consists of four rooms, shiplap on the outside, shiplap inside, shingle roof in very poor shape, tin chimney. This building is not occupied and the value would not be more than \$50.00.

1140-1150 Consist of four rooms each, and outhouses. These have siding outside, shiplap inside, floors in fair condition, tin chimneys, water in house, no plumbing. Constructed on posts, and of light construction. 1140 and 1150 are duplex. This property is worth approximately \$350.00.

Lots 1 and 2, block 113, Plan 366, on which these buildings namely 1130 to 1160 are situated, have an approximate road frontage of 100 ft for the two. Lot one (1) has 60 ft waterfrontage, Lot 2 has 75 ft. I will put a rough sketch to denote the contour of these lots. I would value Lot 1 at \$300.00 and Lot 2 at \$600.00, making a total of \$1425.00 for the above property.

C.N.W. EVANS,
c/o R.H. Rowe & Co. Ltd.,
Nanaimo, B.C.

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

August 16th 1948

Dr. Searly
65

Mrs Ruyo Hamanishi
(Claimant's Name)

PERSONAL CHATTELS

EXHIBIT No. 269-3

07896
Reg. No.

DATE 25/5/48

FILLED BY claimant

Description of Major Items (and particularly of goods lost, stolen or destroyed)	Approximate Date Purchase	New or Used When Purchased	Price Paid (approx)	Condition when Evacuated	Estimated value at Date of Evacuation
1. Kitchen range	1940	new	40.00	very good	30.00
1. Heater stove	1941	new	25.00	"	17.50
2. double steel beds (complete)	① 1940	new	40.00	" good }	30.00 }
2. square tables (kitchen)	② 1937	new	40.00		
1. square table (living room)	1935	new	5.00	"	4.00
1. square table (living room)	1935	new	3.00	"	2.50
2. kitchen chairs	diff times	new	16.00	"	8.00
1. Gramophone (25 jap records)	1939	used	15.00	"	10.00
	diff times	new	30.00	"	6.25
2. Bureaus	1940	new	40.00	very good	30.00
2 pieces of linen (11x9)	1940	new	35.00	good	20.00
1 skirt and prof. coats	1939	new	15.00	"	10.00
<u>Description of Storage of Goods:</u>					30.00
1. Kitchen utensils comprising diff plates, cups, saucers, bowls, etc		new	60.00	"	
1. pairs of pants, shoes, tea dishes, cutlery, etc		new	18.00	"	9.00
2. wire cupboards	1936	new			

General Statement as to Chattels not Described above:

The above goods were left in house at 1040 Stewart Ave. Kamama, the rest in the woodshed.
all goods claimed are noted above — Total \$126.75

Additional Comments, if any:

I got some kitchenware from the Canadian. a lot of the dishes broken. most of my kitchenware I did not receive and it is for this that I am estimating a claim. all the goods claimed were declared by me in SP declaration Apr. 27, 1942, or if not so declared (a few items) were found by the Canadian and sold for them. I have allowed for depreciation on all articles.
RUYO HAMANISHI
SIGNATURE
MARIX