

Name of Claimant

OYE, Yasukichi

Case 315

Custodian File

1747

<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	Amount	Sale Price	Total Award 125% of all Sale Prices: % of Total		Amount
		830		00							95.50
			83.00	12.50							
<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										95.50	



CASE NO: 315

JAPANESE PROPERTY CLAIMS COMMISSION

Grand Forks, B.C.

June 4, 1948

IN THE MATTER OF THE CLAIM OF  
YASUKICHI OYE

PROCEEDINGS AT HEARING



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

B E F O R E

(HIS HONOUR, JUDGE M.M. COLQUHOUN, SUB-COMMISSIONER)

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Grand Forks, B.C.

June 4, 1948

IN THE MATTER OF THE CLAIM OFYASUKICHI OYEPROCEEDINGS AT HEARING20 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

G.N.R. UPTON, Esq.,

Official Interpreter

G. HAMBLETON, Esq.,

Official Reporter

30



Y. Oye  
In Chief

MR. COBUS: The claim, your honour, of Yasukichi  
Oye, No. 82 on the Secretary's original list.

YASUKICHI OYE, the claimant herein, being  
first duly sworn, testified  
through the official inter-  
preter as follows:

MR. COBUS: I would ask leave, your honour, to amend  
the claim with respect to the real estate by show-  
ing a credit to the Custodian of \$830.00, which  
10 leaves a net claim for realty of \$670.00. The  
items under 5 (e), that is, the claim for per-  
sonal property, are abandoned entirely. With  
respect to the vessel, of course, that is aban-  
doned subject to the Terms of Reference being  
broadened.

DIRECT EXAMINATION BY MR. COBUS:

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

A: Yes.

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

A: Yes.

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

(STATEMENT MARKED EXHIBIT NO. 1)

MR. COBUS: Would my learned friend produce the apprai-  
30 sal on this property?



Y. Oye  
In Chief

MR. McINNES: The appraisal?

MR. COBUS: Yes.

MR. McINNES: The picture, too?

MR. COBUS: Yes, I will be asking for it.

MR. McINNES: I produce the appraisal of Coulthard, Sutherland and Company dated April 27, 1944 showing a valuation of \$827.00.

10 MR. COBUS: Referring to Exhibit 1, your honour, the subject matter of the claim is a dwelling house on a 40 by 110 foot lot located at 672 - 4th Avenue, Steveston Townsite. The dwelling was a bungalow type with an attic and a gabled roof. The size of the house was 24 feet by 26 feet. The dwelling contained four rooms and a bathroom containing a flush toilet and a wash basin as well as a Japanese bath. The building was of frame, shingled, and was built on posts. The roof was shingled. Inside the house was V-jointed and painted. The floors were of fir covered

20 with linoleum. The land was purchased in 1937 for \$150.00. The house was erected in 1937, and he estimates the cost of the house, including carpenter's labour and the cost of materials, to be \$1800.00. He also cleared and levelled the lot and cultivated the ground, put in a vegetable garden in the rear and grass in front. In addition, he erected a frame woodshed in the rear of either the land or the house, I am not quite certain. I don't think it is of any

30 consequence. He estimates the value of land



Y. Oye  
In Chief

and improvements to be \$1500.00. Necessary repairs were done, and the house was located in what he describes as a good residential district of mixed Japanese and Occidental people.

10 In his statement he says that when he left the property in May, 1942, the foundation posts and the exterior walls which were shingled were in good condition, and he submits that if the property required any repairs while in the hands of the Custodian, the Custodian should have attended to such repairs as he collected the rents from the property, as well as payments under a mortgage on his vessel, the "Garry Point No. 3". However, he says, the Custodian shows no expenditures for repairs in any of the statements which were sent to the claimant.

20 As to the appraisal of \$827.00, he says that that is much below a fair value of the property. He adds that the property is very nicely located and the grounds and house were left in good condition. He rented the property at the low rate of \$7.00 per month to Mr. Kobus. That, I might say, is spelled K-o-b-u-s. He figured that he would be returning to the coast before long and he wanted to have a responsible party in the property who would look after it, and he believes that when it was sold by the Custodian in July of 1944 for \$830.00, the property would have been worth at least \$1500.00  
30 which he is claiming.



Y. Oye  
In Chief

I have had produced from the Custodian's file, your honour, a snapshot headed "Oye, Yasukichi, 672 - 4th Avenue, Steveston, B.C.", and under the snap, "Picture taken April 13, 1943."

Q: Witness, I am showing you a picture of a house. Do you recognize that house? A: Yes.

Q: Which house is it? A: That is my house.

10 Q: That is your house? A: Yes.

MR. COBUS: I file that on behalf of the Crown, your honour.

(PHOTOGRAPH MARKED EXHIBIT NO. 3)

MR. COBUS: Would my learned friend admit the assessment in 1943 was \$153.00 for land and \$1250.00 for improvements?

MR. McINNES: Correct.

MR. COBUS: A total of \$1403.00?

MR. McINNES: That is right.

20 MR. COBUS: Would my friend admit the statement contained in Exhibit No. 1 that it was sold for \$830.00 in July, 1944?

MR. McINNES: Yes.

MR. COBUS: Your witness.

MR. McINNES: If it please your honour, before I make any submissions, I would like to have the assurance of my learned friend that neither himself nor any member of his family were taking advantage of his client, because the purchaser in this case is one Mr. Kobus.

30 MR. COBUS: I have no knowledge of Mr. Kobus.



THE COMMISSIONER: That is rather a startling revelation.

MR. McINNES: I have made the question broad enough; I have asked for his assurance that neither himself nor any member of his family are concerned.

MR. COBUS: You have my fullest assurance, Mr. McInnes.

MR. McINNES: It will be submitted, your honour, that this property was sold for its fair market value.

10 THE COMMISSIONER: The principle of estoppel, I imagine, would come in.

MR. McINNES: I would think so.

And the goods were sold, also, above the appraisal value, your honour.

CROSS-EXAMINATION BY MR. McINNES:

Q: You were maintaining \$500.00 insurance on this house, is that correct? A: I took the insurance out when the foundation was laid and since I have just lived there.

20

Q: It was \$500.00 you were carrying?

A: Yes, but not when the house was built. I didn't change because I didn't think there would be any risk of fire.

Q: Is there any reason why you can't answer my question? I asked you if it isn't a fact that you were carrying \$500.00 insurance on this place and that the insurance expired in April, April the 16th, 1943. A: Yes.

30 Q: That is all the insurance you had.



Y. Oye  
Cross exam  
Re-Direct exam

A: Yes.

Q: And you were quite content to take \$7.00 a month rent for the place from Mr. Kobus?

A: Yes.

MR. McINNES: That is all, your honour.

RE-DIRECT EXAMINATION BY MR. COBUS:

10 Q: What year did you take out this insurance of \$500.00 on your property? A: I think it was in 1937.

Q: And the house was only partially completed at the time that you insured it for \$500.00, do I understand you to say? A: No, it was only partially built.

Q: It didn't reflect your opinion of the value of the completed house? A: No, I did not think that at the time.

MR. COBUS: That is all, your honour.

THE COMMISSIONER: That is all, thank you.

20 (Witness aside)

(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

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

*M.M. Colquhoun*  
M.M. Colquhoun  
Sub-Commissioner



Amended - Nett Claim now \$670.00 - personalty abandoned.  
Muel.  
DEC 23 1947

315

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

1947

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

(1) NAME OYE YASUKICHI OYE (MR) (RCMP) Reg. No. 05498  
(Print) Surname Given Name

(2) Pre-Evacuation Address Box 28 FORTH AVENUE STEVESTON B.C.

(3) Present Address MIDWAY B.C. Grand Forks

(4) REAL ESTATE  
(a) Street Address (if any) 672 FORTH AVENUE STEVESTON B.C.  
City or Municipality, Province

(b) Legal description (lot number, block number, section number, etc.) lots two (2) of Parcel "A" of Block 27 of Section Three (3) North Range Seven (7) West Map Four thousand seven hundred and sixty (4760) in the district of New Westminster

(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 - - - - - \$ 1500.00  
(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 - - - \$ 808.43 830  
(f) Loss (This figure is arrived at by deducting item (v) from item (iv) - - - \$ 691.57 670

(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

3.5x



(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.  | <i>Barry Point No. 3 Motor Screw W. 6 1920</i>           | Estimated Value \$ | <i>7,000.00</i> |
| 2.  | <i>New Westminster B.C. Registry No 914</i>              | Estimated Value \$ |                 |
| 3.  | <i>5 or 6 days after war started ship was taken into</i> | Estimated Value \$ |                 |
| 4.  | <i>for Vancouver harbor by navies</i>                    | Estimated Value \$ |                 |
| 5.  | <i>Time of sale all tools were taken even Air</i>        | Estimated Value \$ |                 |
| 6.  | <i>Compressor Engine was taken Estimate for</i>          | Estimated Value \$ |                 |
| 7.  | <i>of tools, Air Compressor, clothing, sleeping</i>      | Estimated Value \$ |                 |
| 8.  | <i>tools and kitchen tools</i>                           | Estimated Value \$ |                 |
| 9.  | <i>Stolen, but including in 7,000.00.</i>                | Estimated Value \$ |                 |
| 10. | <i>Received from Custodian 4,950.00</i>                  | Estimated Value \$ | <i>4,950.00</i> |

TOTAL CLAIM FOR PROPERTY LOSS \$ *2,050.00*

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) - - - - - \$ *3,241.57*

(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 *2774/57 Yes.*

*Surreywood prefer Nelson if necessary.*

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 )  
of )  
TO WIT: )

I, \_\_\_\_\_ of the \_\_\_\_\_  
of \_\_\_\_\_ in the \_\_\_\_\_

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 *Midway* )  
in the *Province* of *B.C.* )  
this *15* day of *Dec.* )  
A.D. 1947. )

*John Zuefleh, J. P.*  
A Commissioner &c. *Yasuhichi Oyl*

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.



Two Floating Camp at Hayre Island. Estimate Value.  
including tools, and other household. \$700.00

tools, gasoline and oil too

Received from Canadian Fish Company. \$200.00

I was not allowed to enter Hayre Island after  
the war started

TOTAL CLAIM<sup>ING</sup> FOR PROPERTY LOSS \$500.00



M. Oye  
(Claimant's Name)

REAL ESTATE  
(Other than farm)

EXHIBIT No. 315-1  
DATE 4 June 1948  
FILLED BY Claimant

05498-  
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
<u>42-4th Ave - Steveston Bungalow with attic in gable end of 24x26</u>	<u>Four rooms and bathroom (flush toilet and wash basin Jap bath -</u>	<u>Frame (shingled) on posts - shingle roof. joints (painted) inside. fir floors, linoleum covered -</u>	<u>dwelling</u>	<u>40x110'</u>	<u>1937</u>	

Type of Locality	Cost Price	Improvements made by Claimant	Estimated Value	Date of Sale
<u>road residential district - mixed Japanese and Occidental</u>	<u>150 as vacant land</u>	<u>(1) Created house in 1937 after purchase, hired carpenter, some own labour, and bought material &amp; cost approximately 1800.00 (2) cleaned and levelled lot cultivated ground and put in vegetable garden at rear and grass in front (3) also erected frame wood shed in rear</u>	<u>1500.00 (land and improvements)</u>	

Comments re upkeep of premises:  
all general repairs were  
attended to as necessary.

Comments re Appraiser's report not covered above:  
when I left the property in May 1942, the foundation posts and exterior  
walls (shingles) were in good condition. If the property required any  
repairs while in the hands of the Custodian, he should have at-  
tended to this as he collected the rents from the property and  
also the payments under the mortgage by my vessel Harry Point  
no 3. However, he shows no expenditures for repairs on the state-  
ments which he sent to me. I consider that the appraisal of 122 Apr  
1944 at \$2700 to be much below a fair value for this property

Comment this property is very nicely located, and grounds and house  
were left in very good condition. I rented the property at the low  
rate of 700 per month to Mr Koles who, I knew, I required I would  
be returning before long and desired to have a  
responsible party in the property who would look  
after it. I believe that when sold by the Custodian in July  
1944 for \$3000 this property would be worth at least 1500.00  
at a fair market value

M. Oye  
SIGNATURE



COULTHARD, SUTHERLAND & CO., LTD.  
Estate and Insurance Agents  
Car Financing

EXHIBIT N315 - 2

DATE.....4 June 1948  
FILED BY

Crown

609 Columbia Street,  
New Westminster, B. C.

22nd April 1944.

Catalogue #783

File #1747

Office of the Custodian,  
Royal Bank Bldg.,  
Vancouver, B. C.

Re: Lot 2, Block A/27, Sec.3, B3N/7W  
Map 4760, Steveston Townsite

This property which is located at #672 4th. Ave. consists of a four room, shingle Bungalow, 24 x 26', with addition on back 24 x 6', with poor post foundation and a good roof. Interior- V joint, painted and in good condition, fir floors in fair shape. Plumbing- sink and toilet. City light and water and heated with stoves. Exterior- Shingles, in need of paint. Lot 40 x 110' cultivated and in good condition, well fenced. The location and surroundings are good.

Rented to Mrs. Kohns

VALUATION:	House	\$702.
	Lot	<u>125.</u>
		\$827.00

Yours very truly,

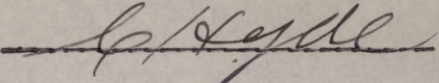
COULTHARD, SUTHERLAND & CO.LTD.

"F. H. Coulthard."

F. H. Coulthard

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

August 28, 1948.

  
mwj.



R.P.9

OYE, Yasukichi  
672 4th Ave., Steveston, B.C.  
Evac. File 1747

EXHIBIT No. 315-3  
DATE 4 June 1948  
FILLED BY Crown



Picture Taken April 13, 1943