Name of Claimant OHORI, Yasushi, Herby Case 853

Custodian File 4936

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		
					210.		231.70					231.70

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	

TOTAL RECOMMENDATION	231.70

1540

CASE NO: 853.

JAPANESE PROPERTY CLAIMS COMMISSION

Winnipeg, Manitoba,

April 16th, 1948.

IN THE MATTER OF THE CLAIM OF

HERBY YASUSHI OHORI.

PROCEEDINGS AT HEARING.

Original.

CASE NO: 853.

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 Winnipeg, Manitoba,
April 16th, 1948.

IN THE MATTER OF THE CLAIM OF

HERBY YASUSHI OHORI

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.
H.M. LANGFIELD, Esq.,	Official Reporter.

30

MR. CHERNIACK: Case No. 28, my lord, Yasuishi Herby O'Hori.

THE SECRETARY: Case Number 853, my lord.

YASUISHI HERBY OHORI, the claimant herein, being first duly sworn, testified in English as follows:

DIRECT EXAMINATION BY MR. CHERNIACK:

Q Witness, I show you a typewritten statement: Was this prepared in accordance with your instructions? A: Yes.

10 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.

MR. CHERNIACK: I file the real estate statement as Exhibit 1 my lord.

(STATEMENT MARKED EXHIBIT No. 1)

MR. CHERNIACK: On behalf of my learned friend I file the S.S.B. appraisal as Exhibit 2.

(APPRAISAL MARKED EXHIBIT No. 2)

20 MR. CHERNIACK: Your Lordship will note that it is really a question of the value of the land, really no property. The land, according to Exhibit 1 is six and a half acres in area and was purchased in 1939 from Mr. Enta, at which time about three acres were cleared, and the balance was heavy bush. The claimant cleared and cultivated about one acre at about $250.00 for his own and his father's labour and in hiring a teamster. He put in about 1800 feet of cedar

30 covered ditching, cedar and tile ditching, the cost of such material was $125.00 and the cost of his own labour for it was about $150.00. The

total cost of the ditching and labour he puts at $275.00. He disagRees with the appraiser's opinion of the land, my lord, stating that, "After it is drained it will be very good for vegetables". And may I bring to your Lordship's attention that the appraiser gives the location as half a mile from Kennedy and that it is on Scott road, a hard surfaced road, and that the cost of reclamation is $175.00 per acre. The claimant states that "After the land was cleared it showed signs of being very good and with a little work it would have proved excellent. The property is very well located. I consider the appraisal and sale price too low and that the fair market value at date of sale was at least $1800.00."

THE COMMISSIONER: Was your property on the highway South of the top of the hill, on Scott Road?

A Yes.

Q How far from the top of the hill?

A About two or three blocks.

Q Two or three blocks, was it? A: Yes.

Q That is, just over the brow of the hill just after you come out of New Westminster?

A Yes.

MR. HUNTER: It is submitted, my lord, that the real property was sold for its fair market value. Reference is made, my lord, to the farm appraiser's remarks on the third page of this report, where he indicates the soil is of a cold type of soil.

There are no questions, my lord.

THE COMMISSIONER: Yes.

Q Have you read this report, Ohori? A: Pardon?

Q The appraiser says in hiw appraisal report, "There is a cold type of soil with hardpan down only eight inches from the surface in some places in the operated area." What have you to say to that?

A Well, in some sections I found that.

10 Q In some sections you did find that? A: Yes.

THE COMMISSIONER: Yes. - Any questions you wish to ask Mr. Cherniack?

MR. CHERNIACK: No, my lord.

THE COMMISSIONER: That is all, thank you Ohori.

(Witness aside)

THE COMMISSIONER: Is that our list for today, Mr. Cherniack?

MR. CHERNIACK: Yes, my lord.

(PROCEEDINGS ADJOURNED SINE DIE)

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

H.M. Langfield.

"H. M. LANGFIELD"
Official Reporter.

Case 853

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

28

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

(1) NAME OHORI Yasushi Herby (RCMP) Reg. No. 12425
(Print) Surname — Given Name

(2) Pre-Evacuation Address 436 Scott Road, #1, New Westminster, B.C.

(3) Present Address Dryden, Ontario

(4) REAL ESTATE

(a) Street Address (if any) 436 Scott Road, New Westminster, B.C.
City or Municipality, Province

(b) Legal description (lot number, block number, section number, etc.)
6 acre Fruit Farm. Lot 4, N.W. ¼ Section 30, Township 2, Map 1607 C. of E. 50709

(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 - - - - - - - - - - - - - - - - $ 1800.00
(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) - $ 1800.00
(v) Amount at which Custodian sold property and credited your account - - $ 210.00

(f) Loss (This figure is arrived at by deducting item (v) from item (iv) - - - $ 1590.00

(5) PERSONAL PROPERTY No claim

(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)

(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. _____ Estimated Value $_____
2. _____ Estimated Value $_____
3. _____ Estimated Value $_____
4. _____ Estimated Value $_____
5. _____ Estimated Value $_____
6. _____ Estimated Value $_____
7. _____ Estimated Value $_____
8. _____ Estimated Value $_____
9. _____ Estimated Value $_____
10. _____ Estimated Value $_____

TOTAL CLAIM FOR PROPERTY LOSS $_____

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) - $ 1590.00

(6) (a) Place at which claimant prefers to be heard. (Vancouver, Kamloops, Nelson, Lethbridge, Moose Jaw, Winnipeg, Toronto or Montreal.)
Winnipeg

(b) Do you require the services of an interpreter at the hearing? Yes or no No

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)
Province of Ontario)
TO WIT:)

I, Yasushi OHORI of the Town
of Dryden in the Province of Ontario

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~~ City
of ~~Dryden~~ Winnipeg
in the Province of ~~Ontario~~ Manitoba
this 27th day of December
A.D. 1947.

Y. Ohori
A Commissioner &c.

A COMMISSIONER FOR OATHS.
MY COMMISSION EXPIRES DEC. 16TH. 194

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.

_____

Y. H. OHORI

(Claimant's Name)

REAL ESTATE
(Farm Land)

12425

Reg. No.

LAND	Acres	Date of Purchase	From Whom	Cost Price	Cleared Uncleared or cultivated at date of Purchase	Improvements at date of Purchase	Estimated value at Date of Sale
Uncleared -- about 3 acres Cultivated not planted Cultivated and ~~not~~ in crop List Crops Black Currant 1¼ acres Strawberries 1¼ acres Respberries less than ¼ acre~~s~~ Market garden ¼ acre~~s~~	6½ acres	1939	I. Enta	1500.00	about 2 acres cleared balance heavy bush	none	1800.00
Total							

IMPROVEMENTS SINCE PURCHASE OTHER THAN BUILDINGS (e.g. cultivation, plants, trees or special equipment)

Description	When Made	Cost
cleared and cultivated about one acre at about $250.00 for own & father's labour & hiring teamster, put in about 1800 feet of cedar covered and tile ditching, cost of material $125.00 and own labour about $150.00 - Total		$275.00

BUILDINGS

Type	Size	Finish	Date Built	Cost Material	Paid for Labour	Value of Own Labour	Allowance for Depreciation	Estimated Value
None								

EXHIBIT No. 853-1
DATE 16 apl 1948
FILED BY
I. M. Cherniack

Comments re Appraiser's report not covered by above information: I disagree with the appraiser's opinion of the land. After it is drained it will be very good for vegetables. COMMENT: After the land was cleared it showed signs of being very good & with a little work it would have proved excellent. The property is very well located. I consider the appraisal and sale price too low and that the fair market value at date of sale was at least $1800.00

Y. H. Ohori
Signature

C-555-P

S.S. Form No. 43
(*Sheet 1*)

Farm Appraisal Report

File No. .....

Land Description Block 4- N.W.30. Tp. 2 Surrey
Fronting on Scott Road.

Containing 6.45 acres. Acres

Owner's Name Jasushi Chori Post Office Address R.R.1. New Westminster.

Nearest Rail Point Kennedy on B.C.E.R. Distance ½Mile.

Market Town New Westminster Distance four miles

Church (give denomination) Various within three miles Distance .....
Presbyterian, Catholic, Anglican

Nearest School Strawberry Hill Distance 1½ Miles

State how property was identified: Map, and by enquiry.

Roads: State whether property has access to main road, the kind of road and its condition.

It is on a hard surfaced road (Scott.)

Is this district a good one? no, too much questionable land.

Employment opportunity Various along the Fraser River, at New Westminster. or at the Peat Operation, and seasonal in the berry fields or with large poultry raisers.

Predominating Nationality and religion: quite mixed Nationalities & Religions.

Describe Fencing and its condition: nil Value $.....

Water supply: nil Value $.....

BUILDINGS ON FARM

4936

BUILDINGS	DIMENSIONS	MATERIAL	HEIGHT	ROOF	AGE	Foundation	REPAIR	VALUATION
HOUSE	X							
	X							
	X							
BARN	X							
	X							
BARN	X	No. Buildings on this property.						
	X							
GRANARY	X							
	X							
	X							
	X							
	X							

Total present day value $.....

Total Value Buildings add to farm $.....

Is dwelling habitable without repairs? If not what is your approximate estimate of cost to make it habitable? $.....

Describe the basement and chimneys: .....

No. rooms downstairs? ..... Upstairs? ..... How finished .....

Are buildings painted? ..... Condition of paint .....

Distance from nearst bush .....

EXHIBIT No. 853-2
DATE 16 apl 1948
FILED BY
S. M. Chermack

Note: Particular care must be taken when examining and reporting on foundations, sills and roofs.

Cultivated Land

ACRES	LEVEL, UNDULATING, ROLLING OR HILLY	SOIL (State Depth)	SUB-SOIL	KIND AND QUALITY OF CROP	VALUE PER ACRE	TOTAL
3	level	5to 8 in dark sandy loam	sandy clay on hardpan	1.25 ac Strawberries .20 ac Raspberries 1.20 ac Currants .35 ac potatoes & weeds	$60.00	$180.00

Area which can be cultivated without cost other than for breaking.

	LEVEL, UNDULATING, ROLLING OR HILLY	SOIL (State Depth)	SUB-SOIL		VALUE PER ACRE
nil					

Area which can be cultivated after a reasonable amount of clearing timber, stones, drainage, etc.

	LEVEL, UNDULATING, ROLLING OR HILLY	SOIL (State Depth)	SUB-SOIL	NATURE OF RECLAMATION NECESSARY	RECLAMATION COST PER ACRE	VALUE PER ACRE	
3.45	level	10 in dark loam	sand and bog	thick bush	$175.00	$10.00	$ 34.50

Area Unsuitable for Cultivation.

CHARACTER OF LAND E. G. HILLY, SWAMPY, ROCKY.	NATURE OF TIMBER IF ANY AND WHETHER MARKETABLE	VALUE OF LAND PER ACRE

Total value of Land $ 214.50

Total added by buildings to value of farm $ nil

Total fruit trees add to value of farm (for use in orchard districts only) $ nil

Total value of farm $ 214.50

Describe condition of farm commenting on tillage, length of time unoccupied or partly occupied:

It is weedy at the present time, has been occupied for or rather operated for fifteen years according to neighbours.

State most suitable type of agriculture for farm bearing in mind the district's limitations, if any.

Small fruit or possibly poultry.

Noxious weeds:

Corporation of Surrey Taxes. $14.31

Give approximate detail and amount of all annual taxes and names of Taxing Authorities:

Date: July 4th 1942
Place: New Westminster B?C.

I certify that the above report is based on a personal examination of the whole farm made on the 3rd day of July 1942 19

Inspector's Signature G. Buckley

Note: (Use Form 43 (Sheet 2) in connection with this form.)

Farm Appraisal Report

Remarks: This six acre parcel is well located as to good roads and quite close to markets etc.,but apart from that it is none too attractive. It has no buildings, and in itself is too small in area to make a self sustaining unit. Operated along with other land,either the place to the north or the one to the south, bothe Japanese owned and with buildings it would help to round out a fair proposition. There is little better than half of it under cultivation,and of the uncleared area there is just an acre and a quarter that is not low wet ground of a peaty nature,that will not be useful for some time to come,and in the bush,just east of where the cultivation ends the sub-soil is pure sand.

The bush land is heavy clearing. There is no well nourished looking crop on the place, but rather,the weeds have had the upper hand this spring,and according to the tennant, who is paying $250.0 for this seasons crop he is not likley to get more than half of that amount out of it.

The most undesirable feature about the whole thing is,however, the fact that there is a cold, type of soil, with hardpan down only eight inches from the surface in ,some places in the operated area,and then it runs off into a sandy loam on sand, and back of that to the east one area that is not far from being a straight peat bog, where,after digging eighteen inches one can push the shovel straight down three feet without difficulty.

(FOR ORCHARD LANDS ONLY)

REMARKS: re general lie of land, fertility of soil, irrigation, drainage or dyking and reclamation.

ANNUAL COST OF IRRIGATION, DYKING AND DRAINAGE.

ORCHARDS, SMALL FRUITS, ETC. (Give number, age, variety and condition of all tree fruits, condition and area of each kind of small fruits.)

Present Value

$

$

$

$

$

$

$

$

$

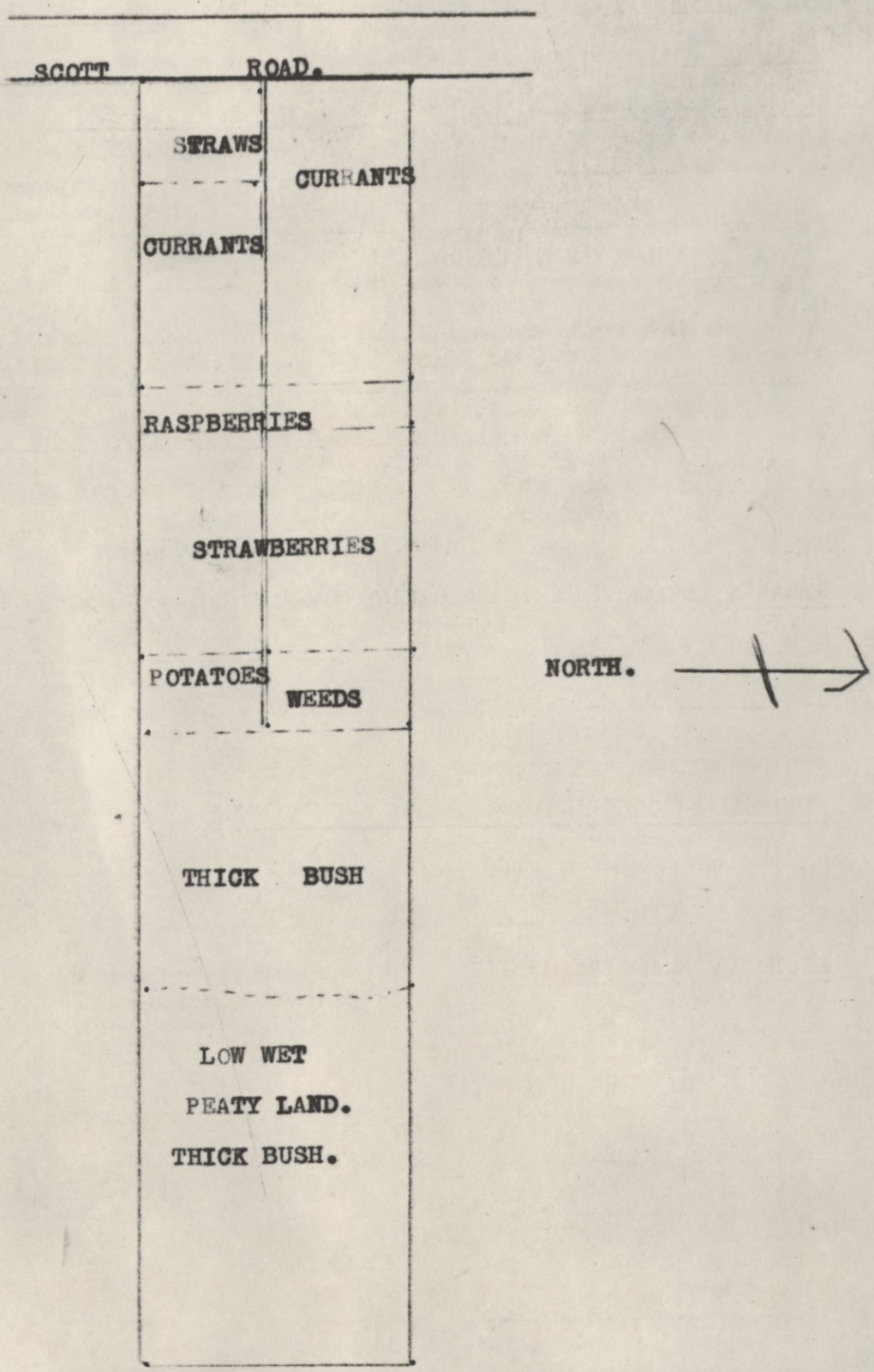
Total $

Amount fruit trees add to value of farm $

Diagram of Property

Y. Ohori. Lot-4-N.W.30. Tp.2. fronting Scott Road.

2 Chains to 1 in



Following careful review of this appraisal report, it is my opinion that the present value is $ 200.00

Date 7th July 1942

"I. T. BARNET"
District Superintendent.

#33

April 15th 1948.

Mr. A. Watson,
c/o Fort Garry Hotel,
Winnipeg, Man.

Dear Mr.Watson,

The enclosed notice of hearing forwarded to Mr.Herby Yasushi Ohori has been returned to this office, with no notification as to the reason for return. From the list I note that Cerniack & Cherniack are acting for this claimant.

Yours sincerely,

Enc.
VW.

HONOURABLE MR. JUSTICE H. I. BIRD
COMMISSIONER

A. WATSON
SECRETARY

JAPANESE PROPERTY CLAIMS COMMISSION

COURT HOUSE
VANCOUVER, B.C.

April 15th 1948.

Mr. A. Watson,
c/o Fort Garry Hotel,
Winnipeg, Man.

Dear Mr.Watson,

The enclosed notice of hearing forwarded to Mr.Herby Yasushi Ohori has been returned to this office, with no notification as to the reason for return. From the list I note that Cerniack & Cherniack are acting for this claimant.

A letter has come in from the Windsor Hotel, Montreal, acknowledging your letter of 2nd instant and assuring you of best attention, signed "H.W.Seeney".

Yours sincerely,

H. J. White

Enc.
VW.

This claim disposed of at Winnipeg

h

JAPANESE PROPERTY CLAIMS COMMISSION
COURT HOUSE
VANCOUVER, B.C.

LETHBRIDGE
MAR 30
5 30 PM
1948
ALTA.

RETURN TO

Mr. Herby Yasushi Ohori (Reg.No.12425)

Dryden, Ont.

HONOURABLE MR. JUSTICE H. I. BIRD
COMMISSIONER

A. WATSON
SECRETARY

JAPANESE PROPERTY CLAIMS COMMISSION

COURT HOUSE
VANCOUVER, B.C.

Mr.Herby Yasushi Ohori,
Dryden, Ont.

Dear Sir:

Please take notice that your claim will be heard by the Japanese Property Claims Commission at the Court House at Winnipeg, Man. Room 226 on Friday, the 16 day of april 1948, at the hour of 10 am.

Please, therefore, be in attendance at that time to submit evidence in support of your claim.

Counsel for the Committee have been advised that your evidence will be heard on the above date.

An Interpreter will be in attendance at the hearing of the evidence of claimants.

Yours truly,

A. Watson

SECRETARY TO THE COMMISSION.