

<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	80% of all Sale Prices		Sale Price	125% of all Sale Prices:	
						% of Total	Amount		% of Total	Amount
					657.00		668.10			668.10
<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 CHATELS</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	Application of % ratio to amount in next preceding column	Sale Price of goods Sold by Tender	12% of Sale Price			
TOTAL RECOMMENDATION									668.10	

CASE NO. 929

JAPANESE PROPERTY CLAIMS COMMISSION

(SUB-COMMISSION)

Winnipeg, Manitoba,
21st September, 1948.

IN THE MATTER OF THE CLAIMS OF

TAMOTSU OTSUKI

PROCEEDINGS AT HEARING

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

JAPANESE PROPERTY CLAIMS COMMISSION

SUB-COMMISSION

B E F O R E

10

(THE HONOURABLE MR. JUSTICE A.G. BUCKINGHAM, SUB-COMMISSIONER)

Winnipeg, Manitoba,
21st September, 1948.

IN THE MATTER OF THE CLAIMS OF

TAMOTSU OTSUKI

PROCEEDINGS AT HEARING

20

APPEARANCES:

F.M. FERG, Esq., Appearing for the
 Dominion Government.
S.M. CHERNIACK, Esq., Appearing for the
 Claimant.

S. HIRAYAMA, Esq., Official Interpreter.
MARK H. PEARCE, Esq., Sr., Official Reporter.

30

T. Otsuki,
In Chief.

TAMOTSU OTSUKI, the claimant herein, being first
duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. CHERNIACK:

MR. CHERNIACK: In this matter I ask leave to amend the claim showing the total value of the real property at \$1800.00, Custodian's sale price \$657.00 and the loss \$1143.00. There is no claim for the chattels.

Q Mr. Otsuki, I show you a typewritten statement. Was this prepared in accordance with your instructions?

10 A Yes.

Q And is that (indicating) your signature?

A Yes.

Q And you swear the contents to be true to the best of your knowledge and recollection? A Yes.

MR. CHERNIACK: I tender as Exhibit 1, your honour, statement, and on behalf of my learned friend I will file as Exhibit 2 the Appraisal form.

(Real Estate Statement, EXHIBIT 1.)

(Appraisal Report, EXHIBIT 2.)

20 MR. CHERNIACK: Your honour will note in the Appraisal it refers to two properties, one of which is this claim and it has been checked with red pencil opposite Lot 3. This is the property for which the claim is being made.

THE COMMISSIONER: It has been separated?

MR. CHERNIACK: Yes.

MR. FERG: This claimant claims Lot 3.

MR. CHERNIACK: Yes, that is correct. He sets out in Exhibit 1 that he purchased this property in 1938 from M. McLaughlin for \$700.00. I have on my file, and I am showing it to my learned friend, the Agreement for

T. Otsuki,
In Chief.

Sale, dated October 15, 1938, between Martin McLaughlin and the claimant effecting the land for which claim is being made, the consideration being \$700.00. The claimant sets out that at date of purchase this property consisting of 5 acres had one-half acre cleared and had a shack on the premises. He sets out that he, himself, cleared one additional acre and dug a 15-foot well, providing a good supply of water. In addition he planted 6 mixed fruit trees. I might say that the question as to the amount of cleared land is not in dispute, the Appraiser showing 1.44 acres having been cleared. The claimant set out that in addition to the shack which was on the premises when he purchased the property, he built a house 16 x 24, a hen house 20 x 80, in 1940, at a total estimated cost of \$1200.00. The sizes of the buildings and the fact that they were new is confirmed in the Appraisal Report but the valuations are considerably lower than the claimant indicates on the basis of his cost price. He sets out the value of this property, the fair market value at date of sale was at least \$1800.00. The Appraisal, Exhibit 2, indicates that this property is two miles from Newton and six and one-half miles from New Westminster and indicates that it runs on Scott Road and Newton Road, which are two good main roads. The value of the buildings in the Appraisal is shown at \$650.00 but only \$500.00 is added for the value of the land. It should indicated, your honour, that the claimant in 1938 paid somewhere in the neighbourhood of \$130.00 or \$140.00 per acre, but

T. Otsuki,
In Chief.

Cr. Exam.

only one-half acre having been cleared and the Appraiser estimated the value of the cleared land at \$65.00 and the uncleared land mainly at \$20.00 and one-third acre at \$30.00. Other than this, your honour, it is only a question of value on which evidence will be given at the adjourned hearing.

MR. FERG: It is submitted the property sold at its fair market value, your honour.

10 CROSS EXAMINATION BY MR. FERG:

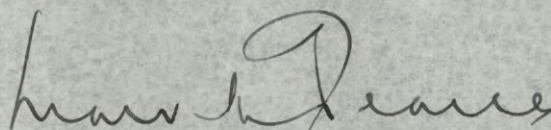
Q Have you had an independent valuation made of this property? A No, I estimated it myself.

MR. FERG: That is all, your honour.

THE COMMISSIONER: All right, witness.

(PROCEEDINGS ADJOURNED SINE DIE)

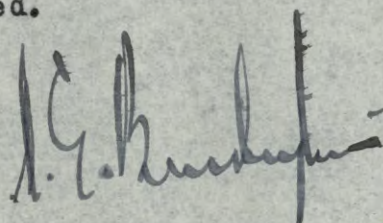
Certified to be a true and accurate transcript.



MARK H. PEARCE, Sr.,
OFFICIAL REPORTER.

CERTIFICATE

I, the undersigned Sub-Commissioner hereby certify that the foregoing 4 pages of typewritten matter contain a true and accurate record of the Sub-Commission held in the Law Courts Building, Winnipeg, Manitoba, at the time and date first above mentioned.



SUB-COMMISSIONER.

Case 929 NOV 28 1947 wjp

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

4676

wjplc

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

(1) NAME OHSUKI Tamotsu (RCMP) Reg. No. 08838
(Print) Surname Given Name

(2) Pre-Evacuation Address R.R. #1, New Westminster, B.C.

(3) Present Address St. Charles, Manitoba.

(4) REAL ESTATE
(a) Street Address (if any) Scott Road, Surrey District, B.C.
City or Municipality, Province

(b) Legal description (lot number, block number, section number, etc.)
Block 3, Sec. 19, Township 2, Map 4431, Land 350

(c) Type of Real Property (cross out words which do not apply):

- (i) Farm
- (ii) Residence Type of business Farm
- (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 - - - - - \$ 800.00

(ii) Buildings - - - - - \$ 1280.00

(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) - - - - - \$ 2,080.00 - 1800

(v) Amount at which Custodian sold property and credited your account - - \$ 657.00 - 657

(f) Loss (This figure is arrived at by deducting item (v) from item (iv) - - - \$ 1,423.00 - 1143

(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 _____

(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) - - - - - \$1,423.00

- (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. Yes

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 Manitoba)
TO WIT:)

I, Tamotsu Otsuki of the Municipality
of St. Charles in the Province of Manitoba

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 City)
of Winnipeg,)
in the Province of Manitoba)
this 17th day of November)

A.D. 1947. *J. M. Cheema* A Commissioner &c.

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.

OTSUKI, Tamotsu
(Claimant's Name)

REAL ESTATE
(Farm Land)

08838

Reg. No.

LAND	Acres	Date of Purchase	From Whom	Cost Price	Cleared or Uncleared or cultivated at date of Purchase	Improvements at date of Purchase	Estimated value at Date of Sale
Uncleared Cultivated not planted- Cultivated and not in crop List Crops	3 1/2 acres	Oct, 1938	M. McLaughlin	\$700.00	1/2 acre cleared	shack	land and bldgs. \$1800.00
Strawberries	1/2 acre						
Buildings and Chicken run	1 acre						
Total		5 acres					

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

Description	When Made	Cost
cleared one acre dug 15 ft. well - good supply of water planted about 6 mixed fruit trees		

BUILDINGS	Type	Size	Finish	Date Built	Cost Material	Paid for Labour	Value of Own Labour	Allowance for Depreciation	Estimated Value cost
house	16' x 24'	fir siding on wood	1940	bought material and own and hired labour)		
Henhouse	20' x 80'	cedar and fir siding	1940	bought material and own and hired labour)		1200.00

Shack included in purchase.

Comments re Appraiser's report not covered by above information: I believe the buildings and land were worth considerably more than values shown by appraiser. It all cost me more and was quite new. I believe that the fair market value at date of sale was at least \$1800.00.

EXHIBIT NO. 929-1
DATE Sept. 21/48
FILLED BY Claimant

Tamotsu, Otsuki.
Signature

Farm Appraisal Report

DATE Sept. 2/68
 FILLED BY Charnant

JL-450(A)
 File No. JL-450

Land Description Lot 3 of the W. 1/4 of S. 1/4 of S.W. 1/4 Sec. 19, Tp. 2, Map 4431, N.W.D.
Lot 4 of same description and map. 5.01
 Containing 5.01 - 10.02 Acres

Owner's Name Tamotsu OTSUKI (Lot 3) Post Office Address R.R.#1, New Westminster.
Shinichi OTSUKI (Lot 4)
 Nearest Rail Point Newton, B.C.E.R. Distance 2 m.
 Market Town New Westminster Distance 6 1/2 m.
 Church (give denomination) St. Johns Presb. Distance 1/2 m.
 Nearest School Strawberry Hill Distance .4 miles
 Other denominations within reasonable distance.

State how property was identified: Roads, map.
 Roads: State whether property has access to main road, the kind of road and its condition.
Corner of 2 good main roads

Is this district a good one? Poor agriculturally
 Employment opportunity Various including industry, New Westminster and other near points.
 Predominating Nationality and religion: British, Protestant.

Describe Fencing and its condition: Part line fences, fair fences. Value \$
Sufficient interior poultry fences.
 Water supply: Lot 4- 140 foot well which is said not to go dry. Value \$

LOT 3 BUILDINGS ON FARM

BUILDINGS	DIMENSIONS	MATERIAL	HEIGHT	ROOF	AGE	Foundation	REPAIR	VALUATION
HOUSE <u>1 st.</u>	<u>16x24x11</u>	<u>Frame</u>	<u>8' eave</u>	<u>Shake</u>	<u>New</u>	<u>Wood</u>	<u>Fair</u>	<u>150.00</u>
Henhouse	<u>20x80x8</u>	<u>"</u>	<u>6' "</u>	<u>Shgl.</u>	<u>New</u>	<u>"</u>	<u>Good</u>	<u>500.00</u>
BARN	<u>X</u>	<u>"</u>	<u>7' "</u>	<u>Shake</u>	<u>Old</u>	<u>"</u>	<u>Bad</u>	<u>nil</u>
Sheek	<u>10x12x8</u>	<u>"</u>	<u>7' "</u>	<u>Shake</u>	<u>Old</u>	<u>"</u>	<u>Bad</u>	<u>nil</u>
BARN	<u>X</u>							
	<u>X</u>							
GRANARY	<u>X</u>							
	<u>X</u>							
	<u>X</u>							
	<u>X</u>							

Lights available.
 Total present day value \$ 650.00

Total Value Buildings add to farm \$ 500.00

Is dwelling habitable without repairs? If not what is your approximate estimate of cost to make it habitable?
Fit for habitation without further repair but by a bachelor. The house is just a cheap job. \$

Describe the basement and chimneys: No cellar. Metal stovepipe, in house.

No. rooms downstairs? Upstairs? How finished Lined with cheap t & g lumber. Shipap outside.

Are buildings painted? 2 rooms unpainted. Condition of paint

Distance from nearest bush None near.

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

ACRES	LEVEL, UNDULATING, ROLLING OR HILLY	SOIL (State Depth)	SUB-SOIL	KIND AND QUALITY OF CROP	VALUE PER ACRE	TOTAL
4.02	<u>LOT 4</u> Level	4.02 ac. 7-12" sdy. loam Hardpan at 2' most places.	12" sandy	Very little - Weedy	75.	301.50
1.48	<u>LOT 3</u> Level	1.48 ac. Soil 8" lt. sdy. loam on 10" gravelly clay/Sod. on clay hardpan.			65.	96.20
Area which can be cultivated without cost other than for breaking.						
	LEVEL, UNDULATING, ROLLING OR HILLY	SOIL (State Depth)	SUB-SOIL		VALUE PER ACRE	
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
.64	<u>LOT 4</u> Level	.64				
.35	"	.35		As above in Lot 4. Bush & stumps	125. up	20.
	"		"	" " "	75.	30.
3.23	<u>LOT 3</u> Level	3.23		AS in Lot 3 above.	125. up	20.
.3	"		"	Light bush.	75.	30.
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	

Lot 4 324.80
 Lot 3 169.80
 Total value of Land \$ 494.60
 Lot 4 3000.00
 Total added by buildings to value of farm \$ 500.00
 Lot 4 22.00
 Lot 3 nil
 Total fruit trees add to value of farm (for use in orchard districts only) \$ nil
 Total value of farm \$ 4016.60

Describe condition of farm commenting on tillage, length of time unoccupied or partly occupied:
Continuously occupied and tilled.

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

Noxious weeds:
Canadian Thistles.

Give approximate detail and amount of all annual taxes and names of Taxing Authorities:
Lot 4 - Surrey - \$51.20
Lot 3 - Surrey - 15.13

Date: **July 4th, 1942.**
 Place: **Chilliwack, B.C.**

I certify that the above report is based on a personal examination of the whole farm made on the **2nd** day of **July** 19

Inspector's Signature **"R. L. RAMSAY"**

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

JL-450(A)-T. OTSUKI
JL-450 - S. OTSUKI

Farm Appraisal Report

Remarks: Place is very well situated.

Soil on south 5 acs. is fair but hardpan comes up higher as you go north and is only 18" down on north 5 acs. Well on south is very deep and carries a large reserve, north 5 is not so deep and will doubtless go dry.

The buildings on south 5 are well adapted for poultry and on the whole in very good shape. The place is almost overloaded with them unless one went very extensively into poultry. There is a pressure pump on Lot 4 or south 5 with water piped to all buildings but not into house. All main buildings are electric lighted.

Lot 4 has .74 acs. of very poor black currants which are to be pulled out, also a small patch of gooseberries and 1/4 ac. of very poor rasps. None of these are worth consideration.

I have appraised these 3 places together to cut down farm work and they seem to me to be well adapted to be worked together and might well be regarded as one unit.

(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.

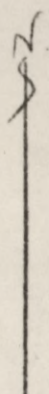
(Give number, age, variety and condition of all tree fruits, condition and area of each kind of small fruits.)

Present Value

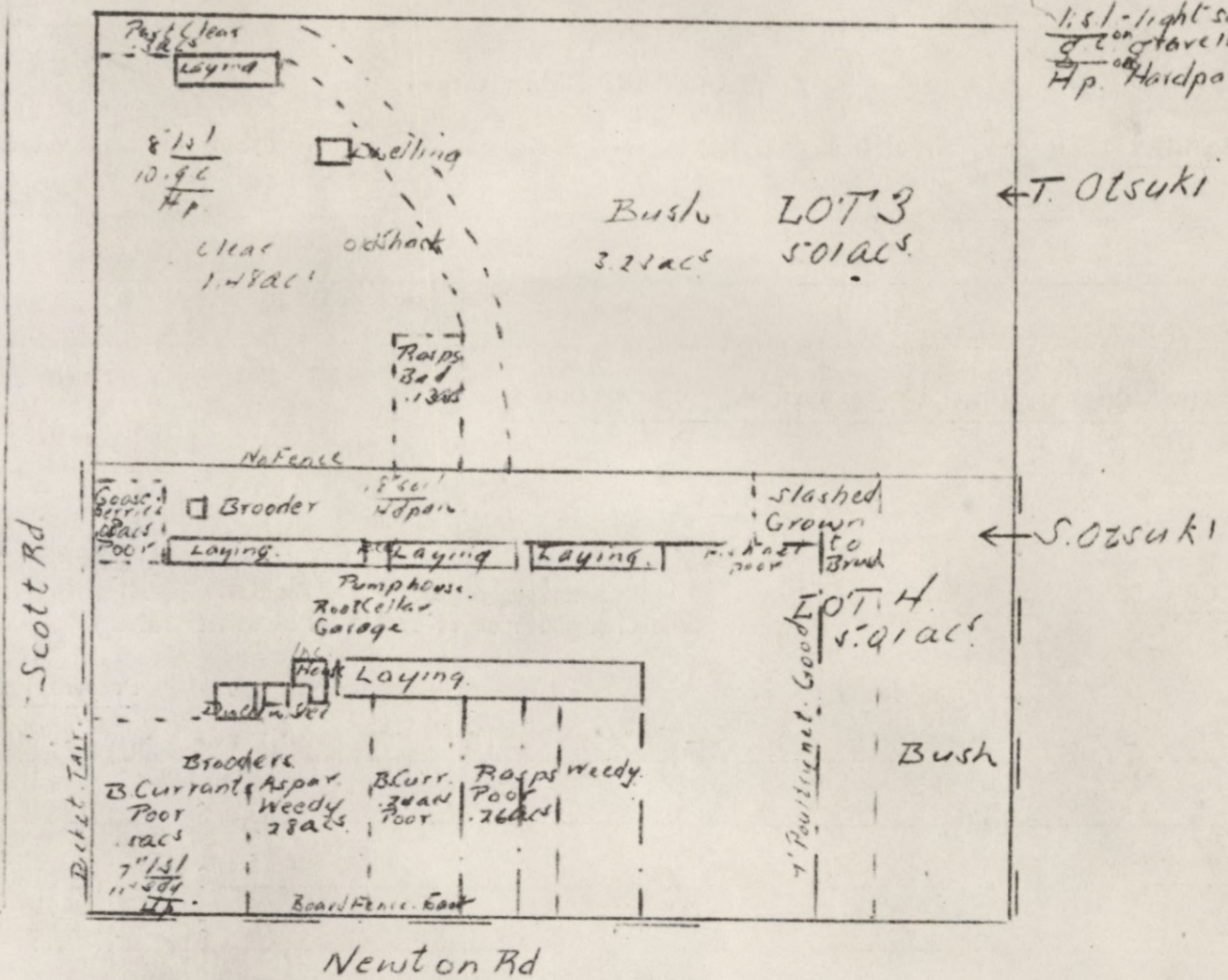
LOT 4 - 22 mixed fruit trees 4-9 fair shape. Home orchard,	22.00
	\$
LOT 3 has 6 yrlg. fruit trees just planted and in solid	
sod. Not likely to amount to much.	nil
	\$
	\$
	\$
	\$
	\$
	\$

This Appraisal covers parcel for BC/562-P also.

Diagram of Property



2 chains = 1 inch
 1.51 - light sandy loam
 8.2 on stavelly clay
 Hp. Hardpan



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

value is \$ \$650.00 on Lot 3
 \$ \$3000.00 on Lot 4.

Date 7th July 19 42.

"I. T. BARNET"
 District Superintendent.