

Name of Claimant HAYASHI, Chu

Case 970

Custodian File 1742

<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
		725.00								400.00
<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									400.00	

CASE NO: 970.

JAPANESE PROPERTY CLAIMS COMMISSION

Fort William, Ontario,
April 22nd, 1948.

IN THE MATTER OF THE CLAIM OF
CHU HAYASHI.

PROCEEDINGS AT HEARING.

Original.

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).

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Fort William, Ontario,
 April 22nd, 1948.

IN THE MATTER OF THE CLAIM OF
CHU 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.

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G. Hayashi
In Chief.

MR. CHERNIACK: May I amend this claim, my lord, showing the estimated value at \$1500.00. The sale price is correct. The loss is \$775.00. There is no chattel claim, my lord.

CHU HAYASHI, the claimant herein, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. CHERNIACK:

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

10 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 I beg your pardon?

Q Do you swear this to be true? A: Yes.

MR. CHERNIACK: I will file as Exhibit 1 the statement of real property and as Exhibit 2, on behalf of my learned friend, the appraisal which is dated from R.R. No. 1, Whonnock, B.C., April 27th, 1944. This is short, my lord. I have no copy and I would appreciate reading it into the record.

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THE COMMISSIONER: Very well.

(STATEMENT MARKED EXHIBIT NO. 1)

(APPRAISAL MARKED EXHIBIT NO. 2).

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MR. CHERNIACK: This is addressed to the Department of the Secretary of State. "Dear Sirs: Please find below appraisal value of the following property: Matsqui: No. 601 - Ross Road (Demmison) Lot A. Pt 27.04 acres more or less. North-East

C. Hayashi,
In Chief.

$\frac{1}{4}$ Section 10, Township 13, Sketch 2049B.

"This property is situated on the Ross Road about five miles south of Dennison. The land is rolling and very dry and sandy below. Lack of water is very apparent in this neighbourhood. Some neighbours being short already. There is a log house on this property but it has seen its best days, and appears to be rotting from the foundation and the sheds are of very little value.

10 Estimated value of house, \$150.00; value of out buildings, \$25.00; value of land \$550.00, total value \$725.00".

It is signed by William H. Ansell, appraiser.

THE COMMISSIONER: Your Exhibit 1 does not show the extent of the development on the property. Is it uncleared land, or just cleared around about the house?

20 MR. CHERNIACK: My lord, the comment shows, "There was about one and one-half acres of this land cleared around the immediate area of the house. The rest was light bush and quite readily clearable. I bought this property with a view to clearing and cultivating for small fruit growing. It was comparable with other cleared acreages in the neighbourhood in soil and adaptability for this purpose". He states further, "When sold by the Custodian on January 1st, 1946, for \$725.00, it would be worth at least \$1500.00." He states he paid cash and the vendor was anxious to sell,
30 and he made a reasonable purchase and he explains

C. Hayashi,
In Chief.

the 1946 assessment on the property was for \$1125.00, which my learned friend may be able to confirm, my lord.

MR. HUNTER: That is correct, my lord, \$325.00 for the land, \$800.00 for the improvements.

MR. CHERNIACK: My lord, may I bring to your attention Exhibit 1 as to the date of purchase, November, 1941, for \$1200.00.

Q Did you find any lack of water on the property?

10 A Not so far as I know. I had water.

Q I beg your pardon? A: So far as I know I think there was water there.

Q You felt you had enough water around there?

A Yes.

Q That is for your house and for the cleared land around the house? A: I didn't need water for the field because I haven't prepared it yet.

Q You hadn't yet prepared it for that purpose?

20 A No.

MR. CHERNIACK: My lord, may I ask my learned friend if his appraiser, William H. Ansell, is a resident of Whonnock or was a man sent in for that purpose?

MR. HUNTER: Mr. Shears advises me, my lord, he lives in the New Westminster area.

THE COMMISSIONER: I recall his name as having made other appraisals.

MR. HUNTER: I think he has some connection with the Westminster Trust Company.

30 MR. CHERNIACK: I have a reference in my notes that this

C. Hayashi,
In Chief.
Discussion.

property was sold to a Mr. C.R. Hamilton. May I ask if he was a tenant?

MR. HUNTER: He was a tenant, my lord, but the property wasn't sold to him. It was sold to the V.L.A. who advertised it for sale and two tenders were received, one from Mr. Hamilton both for \$725.00., and they accepted the offer of Hamilton.

MR. CHERNIACK: There is no V.L.A. appraisal?

MR. HUNTER: We haven't one. I presume they would make one before they would buy, but we haven't a copy of it.

It is submitted, my lord, that this sale was for the fair market value of the land. There are no questions.

MR. CHERNIACK: My lord, may I ask my learned friend one additional question. On this purchase by the V.L.A., was there any commission paid? I might say, my lord, I am under the impression this was bought by the V.L.A. for Hamilton.

MR. HUNTER: That may be true, my lord, I have no idea.

MR. CHERNIACK: I think the file shows it.

MR. HUNTER: I don't know where my learned friend gets that information.

MR. CHERNIACK: From your file.

MR. HUNTER: There was no commission paid on the sale, my lord. There was no real estate agent concerned. There are the usual charges, the valuation charge of \$7.50, the \$4.00 advertising charge, and the land registry charges and transfer charges. What my learned friend says may be quite possible.

I notice from the file the tenant was a veteran and

C. Hayashi,
Discussion.

he may have decided the easiest way was to let
the Government buy it and sell it to him,

THE COMMISSIONER: That is all, thank you, Hayashi.

(Witness aside)

(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 970

DEC 22 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
[Signature]

1742
[Handwritten note]

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

(1) NAME HAYASHI, Chu (RCMP) Reg. No. 09/11
(Print) Surname Given Name

(2) Pre-Evacuation Address Ross Road (Dennison) Matsqui, British Columbia.

(3) Present Address 614 McPherson St., Fort William, Ont.

(4) REAL ESTATE

(a) Street Address (if any) Ross Road (Dennison) Matsqui, B. C.
City or Municipality, Province

(b) Legal description (lot number, block number, section number, etc.)
A (pt. 27.048 Acres m/1) in NE 1/4 10/13/2049-B

(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 - - - - - \$ _____
- (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) - - - - - \$ amends.

(iv) Total value (if you cannot give separate values for lands and buildings just fill in total value) - - - - - \$ 2000.00 1500

(v) Amount at which Custodian sold property and credited your account - - - \$ 725.00 725

(f) Loss (This figure is arrived at by deducting item (v) from item (iv) - - - \$ 1275.00 775

(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 _____

(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) - - - - - \$ 1275.00

- (6) (a) Place at which claimant prefers to be heard. (b) Do you require the services of an interpreter at the hearing? Yes or no yes
- (Vancouver, Kamloops, Nelson, Lethbridge, Moose Jaw, Winnipeg, Toronto or Montreal.)
- Winnipeg, but prefer Fort William.

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, CHU HAYASHI of the CITY _____
 of FORT WILLIAM 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 CITY _____)
 of FORT WILLIAM)
 in the PROVINCE of ONTARIO)
 this 18th day of DECEMBER)
 A.D. 1947. _____)

Chu Hayashi

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.

G. HAYASHI
(Claimant's Name)

REAL ESTATE
(Other than farm)

09711
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
House and land on Ross Rd., Matsqui, B.C. 30 x 32 - 2 stories	5 rooms	Log covered with siding - shake roof - inside furnished V joint (papered)- fir floors - part dugout cellar.	Dwelling	27 $\frac{1}{2}$ m - 1 acres	Nov. 1941	

Woodshed 12 x 20

Type of Locality	Cost Price	Improvements made by Claimant	Estimated Value Date of Sale
Farming district in South Fraser Valley - mixed area	\$1200.00	N/A	\$1500.00

Comments re upkeep of premises:

Ordinary maintenance

EXHIBIT No. 970-1
DATE 22 apr 1948
FILED BY P. M. Chermack

Comments re Appraiser's report not covered above: There was a well on the place and quite sufficient water for my acreage. I disagree that the land was rolling. It was partly so but mostly flat and well drained. The loghouse was not new but it was in quite fair condition. and habitable. I consider the valuation at \$725.00 to be much below a fair value.

COMMENTS: There was about 1 1/2 acres of this land cleared around the immediate area of the house. The rest was light bush and quite readily clearable. I bought this property with a view to clearing and cultivating for small fruit growing. It was comparable with other cleared acreages in the neighborhood in soil and adaptability for this purpose. I believe that when sold by the Custodian on January 1, 1946 for \$725.00 it would be worth at least \$1500.00 at a fair market value. I paid cash for this property. The vendor was anxious to sell and I made, in my opinion a very reasonable purchase. I understand the 1946 assessment on the property was for \$1125.00; \$400.00 more than the price obtained from the Custodian. Considering this and the good buy I had made, I believe the amount I am claiming is reasonable and fair.

G. Hayashi
Signature

601

1742

Cramer

R. R. #1., Whonock, B. C.
April 27th, 1944.

Dept. of Secretary of State.

Dear Sirs:

Please find below appraisal value of the following property:

Matsqui

No. 601- Ross Road (Dennison) Lot A. Pt 27.04 ac. M/L
NE 1/4 Sec. 10, Tp. 13, Sk. 2049B.

This property is situated on the Ross Road about five miles south of Dennison.

The land is rolling and very dry and sandy below. Lack of water is very apparent in this neighborhood. Some neighbours being shortealready. There is a log house on this property, but it has seen its best days, and appears to be rotting from the foundation and the sheds are of very little value.

Est. Value of house	\$150.00
Value of out buildings	25.00
Value of land	<u>550.00</u>
Total value	\$725.00

EXHIBIT No. 970-2
DATE 22 apr 1948
FILED BY A. M. Cherniack

Wm H Carseell
Appraiser