

Custodian File 11600

<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		Sale Price	Total Award 125% of all Sale Prices:	
						% of Total	Amount		% of Total	Amount
1000	50.00 12.50									62.50
<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										62.50

CASE NO: 971.

JAPANESE PROPERTY CLAIMS COMMISSION

Fort William, Ontario,
April 22nd, 1948.

IN THE MATTER OF THE CLAIM OF
SHINJIRO KITAGAWA.

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)

10

Fort William, Ontario,
April 22nd, 1948.

IN THE MATTER OF THE CLAIM OF
SHINJIRO KITAGAWA.

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.
MARK H. PEARCE, Esq., Official Reporter.

30

S. Kitagawa,
In Chief.

SHINJIRO KITAGAWA, the claimant herein, being first duly sworn, testified through the Interpreter as follows:

MR. CHERNIACK: I ask leave to amend, my lord, showing the market value at \$1500.00; sale price, \$1000.00; loss, \$500.00.

DIRECT EXAMINATION BY MR. CHERNIACK:

Q Witness, I show you a typewritten statement. Was this 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 Yes.

MR. CHERNIACK: I file statement as Exhibit 1, my lord.
(STATEMENT MARKED EXHIBIT NO.).

MR. CHERNIACK: On behalf of my learned friend I file the appraisal of the Pemberton Realty Corporation Limited, dated October 5, 1943, as Exhibit 2.

20 (APPRAISAL MARKED EXHIBIT NO. 2).

MR. CHERNIACK: In Exhibit 1, my lord, the claimant sets out that he purchased this house in Vancouver on 133 West 5th Avenue, consisting of 7 rooms and a full bathroom. He purchased this property in June, 1941, and paid \$1000.00. He himself made improvements, my lord. He papered three rooms down and two up, painted hallways (up and down) and bathroom, boarded basement floor, (own labour and bought materials), built board sidewalk from front to back of house. New fence (35') back of

30

S. Kitagawa,
In Chief.

lot. He estimated a cost of \$325.00. He points out in this statement, my lord, that the appraiser's report not covered above. I suppose that means not covered by above.

THE COMMISSIONER: That is his description, I take it, of the type of finishing and the improvements made by him?

MR. CHERNIACK: Yes, it is comments not covered above. He states that/when he left the property, it was not in a run-down condition, as your Lordship will note the comment of the appraiser that it was in a run-down condition. The furnace was in good repair when he left the property, and was operating efficiently. He considers the valuation at \$850.00 to be much below a fair value for this property. He says it was in quite good condition for an old house. His comments are that the Custodian rented the property for \$15.00 per month after evacuation. He states he made a very good buy, when he purchased this property. "The owner was building another house and needed ready cash and sold it to me at a low figure for that reason. In estimating the value at \$2200.00 in my claim form, I figured on what I believed it would bring at 1947 prices. I have now been advised that the basis of arriving at value is as of the date of sale by the Custodian. I have reduced my claim to \$1500.00 and believe that the property would be worth at least that amount when sold in November, 1943."

I believe my learned friend has the information

S. Kitagawa,
In Chief.

as to the assessment. My information is that the land is \$735.00, the improvements \$650.00, a total of \$1385.00.

MR. HUNTER: That is correct for 1942, my lord.

MR. CHERNIACK: The Custodian, my lord, has an inspection report which was made or dated August 3rd, 1942.

I would ask my learned friend to produce that. I believe there is no valuation shown on it but the description of the property is much more complete than on the appraisal which he has filed with your Lordship as Exhibit 2.

10

MR. HUNTER: If my learned friend wishes to file it, he will have to prove it, because I don't know whose inspection it is.

MR. CHERNIACK: I was going to prove it, my lord, through my learned friend, if he does not want to admit it came off the file and subsequently ascertain whose it is. I submit cross-examination of the Custodian will prove whose it is.

THE COMMISSIONER: He found it on the file but I take it there is nothing on the document to show who made it.

20

MR. CHERNIACK: There is a pencilled notation "Western City Company Limited, Vancouver, B.C."

THE COMMISSIONER: I was not aware that they were in the real estate business.

MR. HUNTER: The Western City made a tender on it.

If my learned friend wishes to put it in for information and intends to prove it later, that is up to him. I don't intend to put it in on my own behalf because I don't know who made it.

30

S. Kitagawa,
In Chief.

THE COMMISSIONER: It is for you to determine whether you wish to put it in or not.

MR. CHERNIACK: I would like to file it for information. I cannot undertake to prove it, but I can attempt to prove it through the Custodian in cross-examination.

THE COMMISSIONER: It will be subject to proof before being taken into account, and then it is immaterial who proves it.

10 MR. CHERNIACK: And can we also note, your Lordship, that it was produced from the Custodian's file?

THE COMMISSIONER: Very good.

MR. CHERNIACK: My lord, this statement refers to File No. 1600, registration number 04434, which is the number of the claimant, and it sets out the assessed value as I gave it to your Lordship: Buildings, \$650.00 and land \$735.00, and states that the Lot is "50 x 120 situated in the centre of the block on the north side of 5th Avenue on which there is one two-storey 7-room frame dwelling house, shingle roof, 20 x 36.

20

"2. This house consists of downstairs hall 9 x 2 3, front bedroom" -- that should probably be "front bedroom, 9 x 12. Den 9 x 8, living room 10 x 16, kitchen with sink, 10 x 16, off kitchen a pantry 5 x 6, and bathroom with just a bathtub 5 x 9. Off back porch closet containing water toilet 6 x 6. Off living room a stairway to second floor. Second Floor: Front bedroom, 10 x 16, hall 9 x 9, middle bedroom 10 x 10, and back bedroom 14 x 12.

30

S. Kitagawa,
In Chief.

"Garage in north-east corner 10 x 15. Wooden floor, fair condition. Hot-air furnace in basement, poor condition. Exterior in need of paint. Interior in fairly good condition. Vegetable garden in rear well taken care of.

"3. Contents of house belong to present occupants, except the woodstove in kitchen belonging to Kitagawa. Kitagawa has some furniture, etc., stored in basement.

10 "4. No insurance, should have \$1000.00.

"5. Liabilities: None.

"6. Rented to Mrs. Conto Angelow for \$15.00 per month who took possession August 1st. Mrs. Conto Angelo appears to be a very capable woman and figures she will prove a good tenant. While there Mrs. Angelo paid her August rent."

I will file that as Exhibit 3.

(STATEMENT MARKED EXHIBIT NO. 3).

MR. HUNTER: It appears that they were agents for the
20 purpose of making an inspection and reporting,
from the master file.

MR. CHERNIACK: In that event, I would like to draw
your Lordship's attention that there should be
\$1000.00 insurance on the building and also to
have my learned friend admit, if he can, that there
was \$1500.00 insurance being carried on the
building. It is so stated on the Custodian's
summary sheet.

MR. HUNTER: Yes, there appeared to be two policies, my
30 lord: one for \$1000.00 and one for \$500.00.

S. Kitagawa,
In Chief.
Discussion.

THE COMMISSIONER: Both on the house?

MR. HUNTER: Covering the dwelling.

It is submitted, my lord, that this property was sold for its fair market value. It is entirely a question of value. There are no questions.

THE COMMISSIONER: Q: Kitagawa, at the time you bought the house in 1941, were you or did you make any inquiries with a view to ascertaining the age of the house?

10 A I did not inquire at the time, but I have been living in that country for a long time and I figured it was a good buy at that time.

THE COMMISSIONER: All right, that is all; thank you. Can you tell me at what price the house was sold and when?

MR. HUNTER: It was sold for \$1000.00 on November 3rd, 1943.

(Witness a side)

(PROCEEDINGS ADJOURNED SINE DIE)

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

Mark H. Pearce
"MARK H. PEARCE"
Official Reporter.

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]

11600

18

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

(1) NAME KITAGAWA, Shinjiro (RCMP) Reg. No. 04434
(Print) Surname Given Name

(2) Pre-Evacuation Address 133 West 5th Avenue, Vancouver, B. C.

(3) Present Address 603 McIntosh Street, Fort William, Ont.

(4) REAL ESTATE
(a) Street Address (if any) 133 West 5th Avenue, Vancouver, B. C.
City or Municipality, Province

(b) Legal description (lot number, block number, section number, etc.)
Lot 7, Block 21, D L 200 A.

(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) - - - - - \$ _____

am ends

(iv) Total value (if you cannot give separate values for lands and buildings just fill in total value) - - - - - \$ 2200.00 1500-

(v) Amount at which Custodian sold property and credited your account - - - \$ 1000.00 1000-

(f) Loss (This figure is arrived at by deducting item (v) from item (iv) - - - \$ 1200.00 500-

(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) - - - - - \$ 1200.00

(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, SHINJIRO KITAGAWA 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 22nd day of DECEMBER)
 A.D. 1947.)

Shinjiro Kitagawa

 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.

S. KITAGAWA

(Claimant's Name)

REAL ESTATE
(Other than farm)

04434

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
133 W. 5th Ave., Vancouver, B.C. (2 story dwelling)	7 rooms and full bathroom	Frame - concrete foundation- shingle roof, full cellar- board floor - wooden walls and partition inside cloth covered and papered. Hardwood floors.	Dwelling	50 x 110 m - 1	June 1941	

Type of Locality	Cost Price	Improvements made by Claimant	Estimated Value Date of Sale
Fair residential locality Mostly occidental	\$1,000.00	Papered three rooms down and 2 up, painted hallways (up and down) and bathroom. Boarded basement floor (own labour & bought materials) Built board sidewalk from front to back of house. New fence (35') back of lot. Cost of above \$325.00.	\$1,500.00 (land, dwelling and improvements)

COMMENTS RE UPKEEP OF PREMISES:

Improvements as noted opposite and did other general repair.

APPRAISERS REPORT NOT COVERED ABOVE:

Comments re ~~upkeep of premises~~: When I left the property it was not in "a run down condition". It was in quite ^{good} condition for an old house. The furnace was in good repair when I left the property and was operating efficiently. I consider the valuation at \$850.00 to be much below a fair value for this property.

COMMENTS: The Custodian rented my property for \$15.00 per month after I was evacuated. I made a very good buy when I purchased this property. The owner was building another house and needed ready cash and sold to me at a low figure for that reason. In estimating value at \$2,200.00 in my claim form I figured on what I believed it would bring at 1947 prices. I have now been advised that the basis of arriving at value is as of the date of sale by the Custodian. I have reduced my claim to \$1,500.00 and believe that the property would be worth at least that amount when sold in November 1943.

~~Comments re Appraiser's report not covered above:~~

EXHIBIT No. 971-1
DATE 22 apr 1948
FILED BY Sam Chernack

Shunjiro Kitagawa
Signature

Pemberton Realty Corporation Limited

TELEPHONE PACIFIC 8241

418 HOWE STREET
VANCOUVER, CANADA
October 5, 1943.

#338--133 West 5th Ave., 17-21-200A.

This is a 2-storey frame house. 4 rooms down and 3 up. All board partitions, not plastered, basement with home made furnace out of repair. House is about 38 years old and all in a run down condition.

Value \$850.

LINEAR BOND

RAG CONT

PEMBERTON REALTY CORPORATION LIMITED.

W G Moore

W. G. Moore.

WGM-JM

EXHIBIT No. 971-2
DATE 22 apr 1948
FILED BY Rm. Chernick

133 West 5th Avenue

INSPECTED - August 3rd, 1942.

1. LOT 17, BLOCK 21, D.L. 200A.

ASSESSMENT VALUE - BUILDINGS \$650.00 LAND \$735.00

Lot 50 x 120 situated in the centre of the block on the north side of 5th Avenue on which there is one 2 storey seven room frame dwelling house, shingle roof, 20 x 36.

2. This house consists of downstairs Hall 9 x 3, front Bedroom 9x10, Den 9x8, Living Room 10x16, Kitchen with Sink 10x16. Off kitchen a pantry 5x6 and Bathroom with just a bath tub 5x9. Off back porch closet containing water toilet 6x6. Off Living room a stairway to second floor.
Second Floor. Front bedroom 10x16, Hall 9x9, middle Bedroom 10x10, and back Bedroom 11x12.
 Garage in north east corner 10x15. Wooden floor fair condition. Hot Air furnace in basement poor condition. Exterior in need of paint, interior in fairly good condition. Vegetable garden in rear well taken care of.
3. Contents of house belong to present occupants except the wood stove in kitchen belonging to Kitagawa. }
 Kitagawa has some furniture, etc. stored in basement. }
4. No insurance, should have \$1,000.00
5. Liabilities - none.
6. Rented to Mrs. Conto Angelo for \$15.00 per month who took possession August 1st. Mrs. Conto Angelo appears to be a very capable woman and figure she will prove a good tenant. While there, Mrs. Angelo paid her August rent.

Western City Co. Ltd. Vancouver B.C.

EXHIBIT No.

971-3

DATE

22- apr 1948

FILED BY

A. M. Sperniack