Name of Claimant KENNO, Kato Case 978

Custodian File 3642

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	
1050	52.50 12.50								Special		100 65

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	165.00

1540

CASE NO: 978

JAPANESE PROPERTY CLAIMS COMMISSION

Fort William, Ontario.

April 23rd, 1948.

IN THE MATTER OF THE CLAIM OF

KATO KENNO

PROCEEDINGS AT HEARING

Original.

CASE NO: 978

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 23rd, 1948.

IN THE MATTER OF THE CLAIM OF

KATO KENNO

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

K.Kenno
Discussion
In Chief.

10 KATO KENNO, the Claimant herein, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. CHERNIACK:

Q Mr. Kenno, I show you a typewritten statement, was that prepared in accordance with your instructions? A Yes.

Q Is that your signature?

A Yes.

Q Do you swear the contents to be true to the best
10 of your knowledge and recollection?

A Yes.

MR. CHERNIACK: I will file that as Exhibit 1 my lord.

(REAL ESTATE STATEMENT EXHIBIT 1)

MR. CHERNIACK: On behalf of my learned friend I will file his appraisal as Exhibit 2.

(Appraisal, EXHIBIT 2.)

MR. CHERNIACK: The claimant sets out my lord that this property was purchased in February, 1940 for $850.00 and he itemizes a list of improvements
20 showing estimated cost of the improvements at $1,200.00. The appraisal filed by my learned friend as Exhibit 2 my lord is very brief, it sets out that this property comprises a lot with 25 ft. frontage by 120 ft. in depth to lane on which is erected a 6 room residence with wood exterior and shingle roof. There are 3 rooms on the main floor including kitchen with sink.

Upstairs there are 3 small bedrooms and 3 piece bathroom.

30 Upstairs there are 3 small bedrooms and 3 piece

bathroom.

The property is in very poor condition. Woodshed at rear. Valuation - $10.50.00.

The claimant sets out that the property was in quite fair condition at the time he left in April 1942 and if it was in very poor condition in June, 1944 as the appraiser states it must have been allowed to deteriorate greatly. He points out that there were seven rooms and not six as the appraiser states and he considers the appraisal at $1,050.00 to be much below the fair market value for this property. He tells us further that he was advised by the Custodian that he had rented the property for $25.00 per month, that the Custodian charged him with about $85.00 for bathroom and other repairs for the house. Considering the rental value of the property and the improvements, I believe that it would be worth at least $2,500.00 when sold by the custodian in August 1944. A perusal of the custodian's file my lord reveals that the property was sold for $1,050.00. There were two offers received dated July 19th, 1944, both at $1,050.00, one from the subsequent purchaser and the other from a real estate agent. If my learned friend would like to file them there is no objection. As a result of the two offers the custodian replied suggesting that possibly some arrangement could be made between the two persons who offered to buy at that price whereby in some way they could decide between themselves as to who it should be done. I can file the reply

from the Custodian's file, it is dated July 28th, 1944. My lord this is a copy of a letter from the Custodian to Mr. Angelo Palazzo, dated July 28th, 1944, and I think my learned friend will admit an identical letter was sent to the other person who offered to buy. Thisletter sets out and acknowledges receipt of the offer and poihts out that another offer was received for the same amount and I quote from the letter my lord "We have two suggestions to make. One is that if you both agree I would arrange for you both to meet at our office and come to a decision by some means between yourselves as to which of you should secure this property. Alternatively, I will need to ask you both to submit a revised offer by a specific time and would then be prepared to accept the higher offer." From reading the custodians file my lord I came to the conclusion that the custodian after some verbal representations made by the subsequent purchaser had made an offer for a lessor amount prior to that time and had shown interest in the property and the custodian had decided to sell to him. If I am wrong I am sure the custodian will correct my impression. There was a reply to the letter which I have just filed as an Exhibit suggesting that either the time at which the letters were posted be the decisive factor or saying otherwise he would be gald to comply with any suggestions of the custodian.

THE COMMISSIONER: We better have all the correspondence we can on the subject of the bids.

MR. HUNTER: There is a lot my lord.

THE COMMISSIONER: How much of it is material?

MR. CHERNIACK: I don't think there is very much I think we could possibly. - - -

MR. HUNTER: Perhaps if we just abstract it in the evidence?

THE COMMISSIONER: That may be better.

Q Where is 756 East Cordova Street, near which cross-street? A It is a block down from Hastings and Valentine Pier at the waterfront.

Q Two blocks east of the Valentine Pier. In relation to the Valentine Pier is it East or West of Cordova, nearer or further away from Vancouver centre?

A I am not just sure Your Honour.

Q As you come out from the corner of Main and Cordova Street going East will you come to your house before you reach Valentine Pier? A Yes.

Q So it lies West of the Valentine Pier?

A Yes.

MR. HUNTER: The first my lord is a letter from Angelo Palazzo dated July 3rd, 1944, in which he bids $800.00 for the property. The next is a letter dated July 7th from the Custodian to Angelo Palazzo stating that they cannot accept the tender and that the property had been appraised. The third is a letter from Palazzo again, dated July 19th, 1944 saying he is prepared to pay $1,050.00 and that he will pay spot cash. The next is a letter from J.F.Jacobs, dated July 19th, 1944, in which he states that he has some people by the name of Jacobs who are

willing to purchase for $1,050.00. These people of course enclose the usual ten percent. The next is a letter dated July 28th, 1944 similar to the letter which my learned friend has already put in but written to Jacobs and Company. That is the letter stating that they might get together. I see this other letter that my learned friend was referring to has been returned, I guess it didn't get marked as an exhibit. However, the letters are to each prospective party. The next is on July 29th, 1944 from Jacobs and Company in which he suggests that the time on the envelope be considered and then he says 'any arrangement you may wish to make will be satisfactory to me.' August 3rd, 1944, from the custodian to Jacobs stating that the other party tendering was interested in this property prior to him and his actual offer was recorded before Jacobs, and advising Jacobs that we have accepted his offer. August 15th, 1944 from the Custodian to Palazza advising him that they are prepared to recommend the acceptance of his offer and asking him for the name and so on for the deed. August 17th, 1944 from Palazza to the Custodian giving the name in which the party is to be registered, his occupation and British subject. August 21st, 1944, a letter from the Custodian to Palazza acknowledging his previous letter and stating that the conveyance will be prepared and forwarded to Ottawa for acceptance.

THE COMMISSIONER: Is that sufficient for Counsels purpose?

MR. CHERNIACK: Yes, my lord.

THE COMMISSIONER: The letter to which you referred Mr. Cherniack, has not been put in

MR. CHERNIACK: Apparently I put it down and it didn't reach Mr. Watson.

MR. HUNTER: I don't think there is anything here my lord except a question of value. I might get the age of the house, I don't think it is shown.

CROSS EXAMINED BY MR. HUNTER:

10 Q Do you know what the age of this house was?

A I can't say.

Q You can give me a rough estimation?

A Fifteen years old I guess.

Q That is a pretty old section down there, isn't it?

A Yes.

Q Isn't it likely to be perhaps twenty-five or thirty years old?

THE COMMISSIONER: I suppose the claimant would only be guessing in any case so whatever he says wouldn't

20 be of very much value. I take it it is purely a question of value.

MR. HUNTER: Yes, my lord.

THE COMMISSIONER: That is all, thank you Mr. Kenno. That is your list for today?

MR. CHERNIACK: Yes, My lord.

(Witness aside)

(PROCEEDINGS ADJOURNED SINE DIE)

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

30 Mark H. Pearce

"MARK H. PEARCE"
OFFICIAL REPORTER

Case 978

NOV 28 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

2647

16

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

(1) NAME KENNO (Print) Surname Kato Given Name (RCMP) Reg. No. 10177

(2) Pre-Evacuation Address 756 - East Cordova St., Vancouver, B.C.

(3) Present Address 220 Heron Street, Fort William, Ontario

(4) REAL ESTATE

(a) Street Address (if any) 756 East Cordova St., Vancouver, B.C.
City or Municipality, Province

(b) Legal description (lot number, block number, section number, etc.)
Lot 12, Block 60. D.L. 181

(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) - - - - - - - - - - - - - - - $
(iv) Total value (if you cannot give separate values for lands and buildings just fill in total value) - $ 2500.00
(v) Amount at which Custodian sold property and credited your account - - $ 1050.00

(f) Loss (This figure is arrived at by deducting item (v) from item (iv) - - - $ 1450.00

(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") _____

Reported to Custodian

(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) - $ 1,450.00

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

Winnipeg but prefer Fort William

(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, Kato Kenno of the city
of Fort William in the 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 November)
A.D. 1947.) A Commissioner &c.

K. Kenno

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.

_____
_____
_____
_____

K. KENNO
(Claimant's Name)

REAL ESTATE
(Other than farm)

3642

10177
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
No. 756 ~~E~~ Cordova St., Vancouver, B. C.	7 rooms and bathroom (3 piece) (4 down, 3 up); also Japanese bath in basement	Frame - cement block foundation shingle roof, no cellar, bath and plaster - fir floors.	Residence	25' x 120'	1940	Febry.

Type of Locality	Cost Price	Improvements made by Claimant	Estimated Value Date of Sale
Mixed Oriental and Occidental Residential District	$850.00	(1) Built new verandah 16' x 18'; cement block foundation; extended roof - constructed. Japanese bath with cement flooring. (2) Built greenhouse as an extension to house 8 x 10' - glass sides and roof. (3) Built fence in front - boards and cedar posts. (4) New eaves for roof. (5) New plaster in kitchen and remodeled same. (6) Put 2 French doors between living and dining room and changed casings. (7) Papered throughout downstairs and painted whole house outside. Estimated cost of the above (labour & material) $1,200.00	$2,500.00 (land and improvements)

Comments re upkeep of premises:
I made improvements as noted opposite and did ordinary repairs as required.

Comments re Appraiser's report not covered above: The property was in quite fair condition at the time I left in April 1942 and if it was in "very poor condition" in June 1944 as the appraiser states it must have been allowed to deteriorate greatly. There were 7 rooms (not 6 as appraiser states). I consider the appraisal at $1,050.00 to be much below the fair market value for this property.

COMMENTS: I was advised by the Custodian that he had rented the property for $25.00 per month. The Custodian charged me with about $85.00 for bathroom and other repairs for the house. Considering the rental value of the property and the improvements, I believe that it would be worth at least $2,500.00 when sold by the Custodian in August 1944.

EXHIBIT No. 978-1
DATE 23 apl 1948
FILED BY
Jm. Chernjack

K. Kenno
Signature

TELEPHONE: PACIFIC 6433

"Homes a Specialty" FOR OVER 20 YEARS

J. R. REID
NOTARY PUBLIC

REAL ESTATE
J.R. REID & Co
LOANS
VALUATIONS

GENERAL INSURANCE

515 GRANVILLE STREET
VANCOUVER, CANADA

June 9'44.

No. 85 756 E. Cordova St.

This property comprises a lot with 25 ft. frontage by 120 ft. in depth to lane on which is erected a 6 room residence with wood exterior and shingle roof. There are 3 rooms on the main floor including Kitchen with sink.

Upstairs there are 3 small bedrooms and 3 piece bathroom.

The property is in very poor condition. Woodshed at rear.

Valuation - $1050.00

EXHIBIT No. 978-2
DATE 23 apl 1948
FILED BY
J. M. Chernack

EXHIBIT No. 978-3
DATE Sept. 16/49.
FILED BY
Mr. J. A. Macdonald.

File No. 3642

Date: April 23, 1942

Office of the Custodian,
Japanese Evacuation Section
Royal Bank B ilding,
Vancouver, B. C.

Attention Mr C.L.Drewry

NAME: Kenno, Kato

ADDRESS: 756 E. Cordova St., Vancouver, B. C.

Reg. No. 10177

Real Estate and Personal Property

Location: 756 E. Cordova St - "Jap Town" private dwelling.

Real Property: 2 Storey, 7 room frame house, in poor condition, woodshed, greenhouse, total value, say $800.00.

Personal: Japanese still in possession, will try to sell before evacuated.

Insurance: $700.00 - Jan 19, 1943

Liabilities: none stated.

Recommendations: we advised occupants to make list of contents, and turn in keys when evacuated.

E.T. Summers/H.

The Canada Permanent Trust Company.

Per "E.T.Summers"

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

September 20th 1949

M. Scaly

KER & KER LIMITED
475 Howe Street
VANCOUVER, B.C.

EXHIBIT No. 978-4
DATE Sept 16/49
FILED BY Mr J. C. Macdonald

July 28th, 1942

Office of the Custodian
506 Royal Bank Building,
Vancouver, B. C.
Dear Sirs:

Re: Your File No.3642 - Kato KENNO
756 East Cordova Street

We herewith submit the following report on the plumbing at the above property which, as you know, is now occupied by Mr Clyne.

"The Bathtub is disconnected and lying on the floor with the legs off and the supply pipe capped off at the wall. The toilet bowl is cracked around the base and one hot water faucet on the basin has the spout broken off. There has been considerable water coming through the ceiling into a bedroom on the ground floor which indicates that there has been a leak of some kind from the bathroom above. This could be from the cracked toilet bowl or from the bath waste. In order to be positive on this point it would be necessary to take up a part of the floor so that the waste pipe from the bath could be inspected. I can see no reason why the bath should have been disconnected and left in the condition it was unless there has been trouble under the floor.

I would suggest that it would cost approximately Fifty Dollars ($50.00) to put the plumbing in good sanitary working order.

ErringtonPlumbing & Heating
per. (signed) F.Errington"

As agents, we would recommend that this work be done as we have a very good tenant in the property and this seems to be the reasonable thing to do.

We will await your reply to this letter before saying anything further to the tenant.

Yours very truly,

KER & KER LTD

"J.M.Anderson"
Rental Manager.

JMA:HD

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

September 21st 1949

M Seal