Name of Claimant OZAWA, Keisuke Case 1120

Custodian File 2783

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% 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	
4537.70	216.88 12.50										229.38

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	
			46%	335.00	154.10	350.00	42.00	196.10

TOTAL RECOMMENDATION	425.48

1540

CASE NO: 1120

Toronto, Ontario,

October 13, 1948.

IN THE MATTER OF THE CLAIM OF

KEISUKE OZAWA

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

HIS HONOUR, JUDGE M.A. MILLER, SUB-COMMISSIONER.

Toronto, Ontario,

October 13, 1948.

IN THE MATTER OF THE CLAIM OF

KEISUKE OZAWA

PROCEEDINGS AT HEARING

APPEARANCES:

K.A. CHRISTIE, ESQ., K.C.,	appearing for the Dominion Government,
W.B. DUNCAN, ESQ.,	for the Claimant.

A. SMITH, ESQ.,	Secretary,
G.N.R. UPTON, ESQ.,	Official Interpreter,
A.G. VEITCH, ESQ.,	Official Reporter.

KEISUKE OZAWA, the claimant herein, being first duly sworn, testified as follows:

DIRECT EXAMINATION BY MR. DUNCAN:

Q. You are the claimant in connection with properties known as 242, 244 and 246 Powell Street in Vancouver?

A. Yes.

Q. And your claim is in connection with real-estate? A. Yes.

Q. And personal property? A. Yes.

Q. And the personal property is in connection with the business?

A. Yes.

THE SUB-COMMISSIONER: There is no claim on this list for personal property. Is there a personal property claim, too?

MR. DUNCAN: Yes, there is, your honour.

MR. CHRISTIE: Yes; I have a personal property claim.

THE SUB-COMMISSIONER: Go ahead.

MR. DUNCAN: If it pleases your honour I will deal with the real estate first, and dispose of that.

Q. I show you a form headed "Real Estate Other than Farm." Is that your signature (Indicating)?

A. Yes.

Q. And there are certain exhibits attached to this form; that is correct?

A. Yes.

(PARTICULARS OF REAL ESTATE OTHER THAN FARM LAND, MARKED EXHIBIT NO.1)

MR. DUNCAN: Your honour, to this exhibit are attached two valuations made by Vancouver real estate agents. I put that in as Exhibit 1.

MR. CHRISTIE: I am wondering if we should do this: I think perhaps my friend ought to put those valuations in separately. I think he should file the real property and later he may examine to prove them and I may have some comments to make. He has had valuations made by some real estate people in Vancouver but I do not think they should be attached to the real property form.

THE COMMISSIONER: As far as those valuations are concerned, as I understand it, further evidence will be taken in Vancouver. They are Vancouver men?

MR. DUNCAN: Yes.

THE SUB-COMMISSIONER: If you wish to give evidence with respect to them you willhave to call them out there. The putting in of these valuations now amounts to, I would say, pretty much a matter of production of documents. The Crown is putting in its valuations and so on, with the idea of calling the men concerned with themlater. So, you can put in these valuations. I would put them in as separate exhibits, as Mr.Christie suggests, but you must understand they are not going in, really, as evidence.

MR. DUNCAN: All right. I have the original valuations made by the real estate agents and I will put them in separately. I am only putting in the form

as Exhibit 1, at present.

MR. CHRISTIE: That is right.

MR. DUNCAN: Will you let me have this copy? I will simply attempt to detach that. There, it is done. Thank you.

Q. Now, Mr. Ozawa, what type of building is this?

A. A brick building, three storeys.

Q. How many rooms? A. 20 rooms.

Q. And, for what was it used?

A. The upper two storeys were used for rooming houses. The lower storey was divided into two, one of which I used for my boot repairing business and the other which was occupied by some transfer people.

Q. To what other use was the ground made?

A. The transfer store had a restaurant combined with his business.

Q. You have just mentioned shoe repair. Were you not in the shoe business?

A. It was both the selling of shoes and the repairing of shoes.

Q. And, when did you purchase that property?

A. In 1923, I think.

Q. And, where in the city of Vancouver is this property?

A. It was on the waterfront on Powell Street, Vancouver.

Q. Is that downtown Vancouver?

A. Yes.

Q. And, what did you pay for it?

A. $15,000.

Q. $15,000. And, what was the condition of the property in 1942? A. It was in good condition, sir.

MR. DUNCAN: Have you the valuation of Johnson, Reeve and Watson?

MR. CHRISTIE: Yes.

Your honour, I tender as Exhibit 2 the appraisal of Johnson, Reeve and Watson, dated November 2, 1943. I think we had better have that marked before we proceed further.

MR. DUNCAN: Yes.

(APPRAISAL, NOVEMBER 2, 1943, MARKED EXHIBIT NO. 2)

THE SUB-COMMISSIONER: You gave three street numbers, Mr. Duncan. Do they all relate to this particular property?

MR. DUNCAN: Yes, your honour. It is all one parcel.

Q. Howwas this building heated?

A. Hot water.

Q. Hot water? A. Yes.

Q. And you had radiators on the different floors?

A. There were radiators in the rooms.

Q. What was the condition of the roof?

A. It was in good condition.

Q. And, did you inspect the roof at any time before you left? A. I looked at the building

before I left and it was in good condition. In 1936 I spent $150. in having the roof repaired and with that $150. I received a 10-year guarantee.

Q. And, what was the condition of the fire escape?

A. I went and had a look at the fire escape in August, 1942, and at that time it was in good condition.

Q. Had you ever scraped it?

A. It was scraped and painted in 1938.

Q. And, what was the condition of the brick work?

A. The bricks on both sides were stuccoed in 1936 and it was in good condition.

Q. That was in 1942 that it was in good condition?

A. Yes.

Q. And what about the doors and the windows in the building?

A. They had been kept in repair and were in good condition.

Q. In respect of the interior, the glass in the transoms and the general condition of the interior, what do you have to say?

A. The general inside condition was good.

Q. And, the transom lights?

A. Do you mean the transoms, or ---

Q. The transom lights. That is the way they are repaired, or, referred to, in the valuation.

THE SUB-COMMISSIONER: What is that?

MR. DUNCAN: "The lights in the transoms were also broken."

THE SUB-COMMISSIONER: The glass in the transoms

would be meant by that.

THE WITNESS: I was keeping a rooming house and if any of those were broken it was reported to me and I repaired them. At the time I left there were none broken.

MR. DUNCAN: Q. Yes. And what do you say about the paint work of the building?

A. I painted the woodwork, I painted the outside woodwork, myself, in 1941.

Q. And was the paint work inside in good condition?

A. The paint work inside was also in good condition.

Q. What about the floor?

A. The floors were generally in good condition. The ground floor was a little old but it was able to uphold a 3,000 pound shoe machine.

Q. Yes. Which you had used in your business, referring to this 3,000 pound shoe machine?

A. Yes.

Q. For how many years; for several years?

A. About 10 years.

Q. And you were using that machine right up until the business was closed. Is that correct?

A. Yes.

Q. Then, with respect to the plumbing, what do you have to say?

A. In 1939 I spent $200. in fixing up all the piping and it was in good condition.

Q. Yes. It was in good condition when you left the premises?

A. Yes, in good condition.

Q. Now, in your claim you showed a value of $20,000. for this building. How did you arrive at that amount?

A. A real estate agent named George Jacobs made me an offer of $21,000. but I did not want to sell. I do not know. I am not certain when he made that offer.

Q. That was made some time before the war?

A. Yes.

THE SUB-COMMISSIONER: Q. Can you give us any idea of how long before the war?

A. I think about 1928 or 1929.

Q. About when? A. I think about 1928 or 1929.

MR. DUNCAN: Q. Now, there was a mortgage to the Confederation Life Association?

A. Yes.

Q. And, when you took over the property do you know what the amount of that mortgage was?

A. $6,000.

Q. And that mortgage was renewed in 1938?

A. Yes.

Q. And do you recollect the amount of that mortgage in 1938?

THE SUB-COMMISSIONER: At the time of the renewal, Mr.Duncan?

MR. DUNCAN: Yes, your honour.

THE WITNESS: A. I think a little under $4,000.

Q. Well now, you made considerable payment to Confederation Life over the last few years?

A. Yes.

Q. Do you know how much was paid to the mortgagee covering a period of five years from the end of October 1936 to the end of October 1941? Do you know what approximate amount was paid to the mortgagee in that time?

A. About $5,000., I think.

Q. And in that amount were included some insurance premiums? A. Yes, sir.

Q. And some of the annual taxes?

A. Yes.

THE SUB-COMMISSIONER: Fire insurance premiums, do you mean?

MR. DUNCAN: Yes, just fire insurance premiums, your honour.

Q. And do you know what the assessment of this property for, say, three or four years prior to 1942 was?

THE COMMISSIONER: You will be putting that in, Mr. Christie?

MR. CHRISTIE: I do not know whether I have the assessment in my papers. I have a memo of what it is but I have not got the notice. This is what I have.

MR. DUNCAN: I have a letter from the Assessment Commissioner's office.

MR.CHRISTIE: Yes. Well, put that in. What date

is that?

MR. DUNCAN: March 23, 1948.

THE WITNESS: In 1930 it was $18,000. and in 1934, $13,000. I think in 1938 it was about $9,000.

MR. DUNCAN: I am putting in a letter from the Assessment Commissioner's office, Vancouver, B.C., addressed to Simpson & Duncan, Hamilton, dated March 23, 1948, showing the assessment for the years 1939, 1940, 1941 and 1942, covering properties 242, 244 and 246 Powell Street. The average assessment over those four years was $9,325. That will be exhibit 3.

(LETTER MARCH 23, 1948, MARKED EXHIBIT NO. 3)

And I am also tendering as an exhibit a letter from the City Treasurer, in the city of Vancouver, showing the annual taxes for the years 1939, 1940, 1941 and 1942. This letter is addressed to Messrs Simpson & Duncan.

MR. CHRISTIE: Could not that go in the same exhibit, the Assessment and the Taxes?

THE SUB-COMMISSIONER: Put them all in that way.

MR. DUNCAN: It does not matter. It will be part of Exhibit 3.

(PART OF EXHIBIT #3: Letter, March 23, 1948.)

Q. You acquired this building how? From where did the monies come to acquire it?

A. I bought it with the proceeds of my business.

Q. Yes. Do you know for what the property was sold? A. I do not know.

Q. Were you consulted in any way about the sale? A. No.

MR. DUNCAN: And, as a further exhibit I tender a declaration made by George Lafleche, a valuator and appraiser declared before a notary public on September 25, 1948.

THE SUB-COMMISSIONER: It is admitted subject to the calling of the appraiser for cross-examination.

MR. CHRISTIE: Very well.

MR. DUNCAN: Well, your honour, in that case I do not quite see the necessity for putting that in as an exhibit. I think perhaps I would prefer to hold that exhibit out if it is of no value to this inquiry and to later have perhaps Mr. Lafleche at the hearing. I am not too sure what the future holds in this case. I do not know the procedure actually.

THE SUB-COMMISSIONER: We take the evidence which is available here, that evidence is transcribed and it, together with the exhibits, are forwarded to Vancouver, where Mr. Justice Bird, the Commissioner, holds sittings. I am a deputy commissioner for the purpose of presiding over the taking of the evidence. I forward it to him without any comment. Further evidence is called before him in Vancouver. It is open to both sides to call evidence there. The Crown will call evidence there in most of these cases on valuations and then Mr. Justice Bird renders the decision. The Crown is filing its appraisers' reports and so on, somewhat in the nature of pleadings so that you know what you

have to meet when you get out there.

MR. DUNCAN: I think in that case I would hold that exhibit out and meet the case in Vancouver.

THE SUB-COMMISSIONER: You are under no obligation to put it in. The Crown is giving you that sort of material and I suppose it would be tit for tat for you to give it to them but you are under no obligation to.

MR. DUNCAN: If my friend is satisfied that I hold that in my file until Vancouver I think I would prefer it.

MR. CHRISTIE: I have no objection at all.

THE SUB-COMMISSIONER: Very well; do not put it in.

MR. DUNCAN: That is the evidence of the claimant as to the real estate. I do not know whether my friend wishes to cross-examine on the real estate form now or ---

MR. CHRISTIE: You go ahead with the personal chattels.

Your honour, in my learned friend's compilation here, of the real estate, I am not quite clear as to what they are claiming. Mr. Brewin and Mr. Best made a point of summarizing at the bottom their claim, the amount it was sold for and what the net claim was. I think we should have it on the record here exactly what loss my friend says his client has sustained.

THE SUB-COMMISSIONER. Yes. What is your claim, Mr.Duncan?

MR.DUNCAN: The claim for the real estate is $20,000. in the original claim of the claimant.

THE SUB-COMMISSIONER: It would be hardly that.

MR. DUNCAN: At the time the claim came in - it was put in in a great hurry and time was limited ---

THE SUB-COMMISSIONER: What have they to meet; that is all Mr.Christie wants toknow.

MR. DUNCAN: Yes. His claim is $16,00., less the mortgage and the amount for which it was sold, which will leave a net claim of $11,462.30.

THE SUB-COMMISSIONER: Was it subject to the mortgage?

MR. CHRISTIE: No. It is a peculiar case. The Confederation Life had a mortgage on it for roughly $4,400. This valuation which I filed from Messrs Reeve & Watson was asked for by the Confederation Life. They decided that the place was not worth the value of their mortgage - the $4,400. What happened was that the Custodian gave a quit-claim deed to the Confederation Life and the Confederation Life, in turn, sold it to a chinaman for $2,100. That is really what happened. The Confederation took a loss on it, themselves.

THE SUB-COMMISSIONER: But this man got credit for the full amount they took it over for, the full amount of the mortgage?

MR.CHRISTIE: Yes.

THE SUB-COMMISSIONER: So, the claim would be for $16,000., less the amount of the mortgage?

MR. DUNCAN: Yes. The Confederation Life paid in addition $100., so the amount is $11,462.30.

MR.CHRISTIE: I think perhaps the original

real property form which my friend filed should be amended so as to show that. You do not mind amending it?

MR. DUNCAN: No. I have added "mortgage including $100." I think that will be quite clear to them?

MR. CHRISTIE: Yes, I think so, as long as we know what your claim is. I would put "claim for loss"

THE SUB-COMMISSIONER: Very well, now we will go into the claim for personal property.

MR. DUNCAN: Q. You had a business there, a retail shoe business and a shoe repairing business. Is that correct?

A. Yes.

Q. And also a rooming house business?

A. Yes.

Q. And have you estimated the gross turn-over from the shoe businesses in 1941?

A. I estimate that, the boot selling and repairing at $7,000., gross.

Q. And, I show you this personal property business form, which you have signed. Is that your signature (Indicating)? A. Yes.

Q. And this has been read over and explained to you? A. Yes.

MR. DUNCAN: I will put that in as Exhibit 4.

(PARTICULARS OF PERSONAL PROPERTY BUSINESS, MARKED EXHIBIT NO.4)

THE SUB-COMMISSIONER: The figure as to the gross turn-over is an estimate. That is not from your books? A. Yes, your honour.

MR. DUNCAN: Q. Did you have all your books at the time this was made out?

A. I had some.

Q. And where were the others?

A. I have brought them here. I have brought them here.

Q. Were any left in Vancouver?

A. Yes.

Q. And, in whose custody?

A. As the Custodian was to sell the business I left the rooms house books and the store books in the office for the purpose of the Custodian and locked the place up and gave the key to the Custodian. It was put on the Custodian's padlock.

Q. And, from the rooming house what was the gross turn-over in 1941?

A. (No audible answer.)

Q. In your form you show it as $1,020., and I ask you is that correct? A. $1,020.

Q. Yes; and, in your form you show the net income from the retail shoe business and shoe repairs as $1,600.? A. Yes.

Q. And from the rooming house as $780. Is that correct?

A. Yes.

Q. Now, when did you open up this business?

A. In 1915. I started the shoe business in 1915.

Q. And when did you move that shoe business

to this property on Powell Street?

A. In 1930.

Q. And was this business developed and started by yourself? A. Yes.

MR. CHRISTIE: Your honour, I do not wish to interrupt my friend but in order that I may fully understand his examination, follow his examination, again, I am not clear what my friend is claiming for on the personal property. If it is only the furniture and the bedroom suites as indicated below I cannot see the purpose of going into the gross income of the business. I am not clear, that is all. Perhaps I do not understand.

MR. DUNCAN: Perhaps I can explain that to my friend. I think the form originally filled in by Ozawa was not completely filled in, not properly filled in, because he had not got all the information available. This business was sold piece-meal and it is my instruction now to claim only for the stock-in-trade for certain chattels which were acquired in this business.

THE SUB-COMMISSIONER: The stock-in-trade you are valuing at ---

MR. DUNCAN: $2,237.56.

MR. CHRISTIE: That is struck out in my copy.

MR. DUNCAN: No; here it is.

MR. CHRISTIE: I see it is up in the lefthand corner. He had it struck out down below here.

MR. DUNCAN: That has no reference to the stock-

in-trade below. My stenographer made an error which I attempted to correct.

THE SUB-COMMISSIONER: The value of the stock-in-trade you fix at $2,237.56?

MR. DUNCAN: Yes; and the reason I went into the income was to give some colour and corroboration to the fact that there would be that much stock there.

THE SUB-COMMISSIONER: On the righthand side where it is printed "estimated value, date of evacuation" you have $2,237.56 struck out and $335. written below.

MR. DUNCAN: Yes, and that refers to Sheet No.2, which is annexed to the form.

THE SUB-COMMISSIONER: That is not stock-in-trade at all.

MR. DUNCAN: No. I have tried to follow the form. It says furniture, equipment and fixtures acquired after purchase in the form.

THE SUB-COMMISSIONER: And the 14 bedroom suites, and so on, are $500.?

MR. DUNCAN: Yes. Our claim will be the total amount of those three items less the amount for which they were sold by the Custodian.

THE SUB-COMMISSIONER: Yes. It will be $2,237.56, $335., and $500.?

MR. DUNCAN: Yes.

THE SUB-COMMISSIONER: Q. So, your evidence in respect of goodwill and so on is only in substantiation ---

MR. DUNCAN: Of the amount of the stock-in-trade.

Q. You have in your form referred to your stock-in-trade. That is Sheet No.1 to the form. Is that correct? I will show it to you.

A. There is no mistake.

Q. And how do you arrive at that amount of stock and the prices?

A. I took that from my inventory book. These are the prices of the wholesale cost.

Q. And is that the inventory at the time you left the premises and turned it over to the Custodian?

A. I took this on March 16, 1942, as I was ill and I was ordered to evacuate some time in April, 1942.

Q. Did the inventory remain substantially the same until the sale by the Custodian?

A. Whilst I was conducting the business a little later I do not think the stock was changed materially in any way.

Q. And have you got a copy of your inventory in full?

A. Yes, I have. I have it here.

MR. CHRISTIE: I wonder if it would not help all of us if my friend would total these amounts and then tell us what the Custodian sold them for and tell us what his net claim is? I am certainly not clear. Your honour will notice the personal property sheet.

MR. DUNCAN: My friend represents the Custodian; perhaps he can tell me for what they were sold.

MR. CHRISTIE: My friend is making the claim. All I am concerned with is that I want toknow what claim for loss he is making.

THE SUB-COMMISSIONER: He has told us he is claiming $2,237.56 with respect to inventory, he is claiming $335. in respect of furniture, equipment and fixtures in the store, and he is claiming $500. in connection with the rooming house furniture. All those things are his values. Now, he is claiming those amounts less what the Custodian recovered and you should know that, I think.

MR. CHRISTIE: Have you a memo of that?

MR. DUNCAN: I have your Analysis of Personal Property claim here.

THE SUB-COMMISSIONER: Attached to your Personal Property claim, which is filed as Exhibit 4, there is a list of accounts receivable. That is beyond this reference; that is out.

MR. DUNCAN: In answer to my friend all I can say, I am afraid, is this: That apparently the Custodian sold the stock for $250. and the chattels of the rooming house for $100. As to the personal ---

THE SUB-COMMISSIONER: What about the fixtures of the store?

MR. DUNCAN: The heavy machinery was all taken over by Ozawa. There is no claim for that; it was sent to him at a Japanese internment camp.

THE SUB-COMMISSIONER: Yes, but these fixtures you have in here at $335.?

MR. DUNCAN: I cannot tell what dispostion was made of those by the Custodian. The Analysis of Personal Property claim of the Custodian does not say what became of them. I presume they were sold but the amount is not shown. All I can do is credit the amount of $350.

MR. CHRISTIE: Might I suggest that if my friend would file at this stage, or I will tender as Exhibit 5, the Analysis of Personal Property claim it might assist us in reconciling the two?

THE SUB-COMMISSIONER: Yes.

MR. DUNCAN: Yes.

(ANALYSIS OF PERSONAL PROPERTY CLAIM, MARKED EXHIBIT NO.5)

Q. Now, Mr. Ozawa, the Analysis of Personal Property which has been put in as an exhibit refers to a sale for $100. of chattels, fixtures and equipment of a rooming house. What have you to say as to that sale, who made it, and as to the amount?

A. At the time I was evacuated the Custodian told me that they were going to sell the business and that they were going to get tenders for it. As I was in hospital at that time I told them to go ahead. Excuse me. I was sick at my house, not in the hospital at that time, so I told them to go ahead. The Custodian brought along a chinaman and they sold it to the chinaman for $100; and in view of the fact that I had to be evacuated, whilst I considered it an extremely low price I o.k.'d it.

Q. But the sale was made by the Custodian?

A. Yes.

Q. The chattels sold are set out in the form, - 14 bedroom suites and everything else?

A. Yes.

Q. Now, Mr. Ozawa, as to the furniture, equipment and fixtures which you had, you are making a claim only for that furniture and equipment which is set out on sheet No. 2?

A. Yes.

Q. Do you know what became of these fixtures, of this furniture and equipment?

A. I do not know. The Custodian locked that up in the store with the shoe-findings and other things and I do not know what happened to it.

Q. In this year 1942 I understand you were very ill. Is that correct?

A. I was not very sick but I was sick.

Q. And you were not able to attend to any business? A. Until the time that the Mounted Police came to me I was looking after my business.

Q. Yes, but it was after you had received the order of evacuation and were actually forced out of your business that you were ill?

A. Yes; and I was staying somewhere else.

Q. Now, the claim, then, for Personal Property, which you are making is the amount of the stock-in-trade shown in the form, the amount of the furniture and equipment shown in the form and the amount of the rooming house furniture and equipment, less the amounts

for which they were sold?

A. I do not think I quite understand.

Q. The Custodian sold the stock-in-trade for $250. The form says that he sold it for $250. The Custodian sold the stock for $250. Do you say that? A. Yes.

Q. $250; and the rooming house equipment was sold for $100.?

A. Yes.

Q. That is $350. A. I think I have got to deduct my claim by those amounts.

Q. You are going to deduct that amount from your claim? A. Yes.

MR. CHRISTIE: Which amount is that?

MR. DUNCAN: Q. So that the amount of your claim will be for $2,722.56. That is correct?

A. Yes, sir.

Q. Just one other question: The amount you have shown for stock-in-trade was a wholesale price?

A. Yes.

Q. All right; that is all.

THE SUB-COMMISSIONER: Cross-examination?

MR. CHRISTIE: Yes, your honour.

CROSS-EXAMINATION BY MR. CHRISTIE:

Q. Mr. Ozawa, I am showing you a J.P. Form, dated April 9, 1942. Is that your signature?

(Indicating) Look at that signature and tell me if that is your signature?

A. Yes.

Q. Yes;, thank you.

I tender this J.P. Form as Exhibit 6.

(J.PP FORM, MARKED EXHIBIT NO.6)

I am also tendering the Certificate of Encumbrance as Exhibit 7.

(CERTIFICATE OF ENCUMBRANCE, MARKED EXHIBIT NO.7)

MR. DUNCAN: I would like to see that.

MR. CHRISTIE: I will get it marked and then you may see it.

MR. DUNCAN: Adl right.

MR. CHRISTIE: Q. In addition to the first mortgage which was on the property I understand that there was a second mortgage. Is that correct?

A. Yes.

Q. And what was the amount of the second mortgage? A. I think $2,000.

Q. And what became of the second mortgagee?

A. He went back to Japan.

Q. He went back toJapan?

A. Yes.

Q. When you bought this plsee ---

A. I have something else to say about that.

Q. All right; proceed.

A. It is all right.

Q. When you bought this place in 1923 how old was the building? A. I do not know.

Q. Was the stucco over the brick or was it partly brick and partly stucco?

A. It was over the brick.

Q. Were there any wash-basins in the rooms?

A. No, but there was one in the hall.

Q. Now, in the report of Johnson & Reeve they say the joists appear to have rotted. What do you say in regard to that?

A. The joists of the main floor may not have been so good but it was able to support a 3,000 pound shoe machine.

Q. What was the condition of the paint?

A. As I painted it in 1941 the condition was good.

Q. Then, the appraiser is wrong when he says: "The exterior paint work has been neglected for a long time"? A. That is a lie.

Q. Apparently there are a lot of lies. He said he could not inspect the roof because the fire escape was in such poor condition. What do you say about that?

A. I cannot understand that at all, because in 1942 I went up the fire escape, myself.

Q. What was the condition of the brick work in regard to it being pointed? Do you understand what they mean by "pointed"? That is the mortar inbetween the brick. What was the condition of the brick work outside?

A. There were no bad places in the bricks.

Q. You were asked to sign a quit-claim deed to the Confederation Life Association. Is that correct?

A. I did not sign any document like that.

Q. Do you remember being asked to sign it? I am going to put in these letters.

A. The Confederation Life did not write to me to that effect but while I was in hospital the Custodian came and suggested that to me and I refused.

MR. CHRISTIE: I am tendering as Exhibit 8, I think we will call it sundry letters re Confederation Life Association. It will show the process of negltiation about this quit-claim deed.

THE SUB-COMMISSIONER: All right. How many of them are there?

MR. CHRISTIE: There are five letters.

THE SUB-COMMISSIONER: All right.

(FIVE LETTERS, RE QUIT-CLAIM DEED, MARKED EXHIBIT NO.8)

MR.CHRISTIE: Q. In regard to the personal property it says "The stock-in-trade was sold on agreement by the claimant to sell." Did you agree to sell, to the sale of the stock-in-trade? Did you agree to the stock-in-trade being sold for $250.?

A. I did not agree to that.

Q. Did you sell the adding machine directly?

MR. DUNCAN: There is no claim for the adding machine. That is why I have not referred to it at all.

THE SUB-COMMISSIONER: Mr. Christie, you asked this man if he agreed to the sale of the stock-in-trade

at $250. and he said "No." If you intend to adduce evidence in Fancouver to the effect that he did agree it would seem to me you should, in fairness, go on with your cross-examination and suggest to him the circumstances under which you allege he agreed.

MR. CHRISTIE: There is a statement here in the Analysis of Personal Chattels in which it states that the stock-in-trade amounting to $1,937.39 was sold for $250. on agreement by Ozawa. Now, if he has any comments, and he is making the claim, I think it would be helpful to the commission.

THE WITNESS: I did not agree. I am certain of that point.

MR. CHRISTIE: That is all, your honour.

THE SUB-COMMISSIONER: Have you further documents to file?

MR. CHRISTIE: Yes.

THE SUB-COMMISSIONER: You have no further evidence?

MR. DUNCAN: No, your honour; I have nothing further.

MR. CHRISTIE: It is submitted, your honour, that the real property was sold for its fair market value.

My friend advises me that they are not claiming for goodwill, for book-debts or tenancies in regard to the personal chattels at all.

MR. DUNCAN: It was my impression that we are

not able to claim. We would claim if we were permitted by the order-in-council, but I understand we cannot.

MR. CHRISTIE: It is not within the terms of reference.

And, he further advises me that in regard to the shoe repairing equipment their claim is for $335., and not $1,750., as shown on the Analysis of Personal Property.

Then, I have certain documents to file.

THE SUB-COMMISSIONER: Their claim is on the basis that the stuff at the time it was sold was worth $335. In other words, they are crediting whatever was received for it.

MR. CHRISTIE: That is right.

I am tendering as Exhibit 9 the Real Property Summary.

(REAL PROPERTY SUMMARY, MARKED EXHIBIT NO.9)

MR. DUNCAN: Before you put that in, I have the exhibit here, referring to the correspondence.

THE SECRETARY: Five sundry letters.

MR. CHRISTIE: I am sorry. It is five sundry letters. I will put this in separately.

I am tendering as Exhibit 10 the tender of Peter Hem.

(TENDER, MARKED EXHIBIT NO. 10)

MR. DUNCAN: What is Exhibit 9?

MR. CHRISTIE: The Real Property Summary.

MR. DUNCAN: Have I seen that?

MR. CHRISTIE: I do not know. It is the history of the administration.

I think that concludes the filings, your honour.

THE SUB-COMMISSIONER: That disposes of this case?

MR. CHRISTIE: Yes, your honour.

MR. DUNCAN: I have not had an opportunity to examine Exhibit 9, Real PropertySummary. This is rather a lengthy document and I cannot ask the Commission to permit me to have time to read it at this point. It would take quite some time to do so now. Similarly, Exhibit 8, five sundry letters, I have not had an opportunity to examine those. I have no idea what they contain.

THE SUB-COMMISSIONER: You might read them during the lunch hour and if you wish to add anything you may come back and add it at 2.15.

MR. DUNCAN: Thank you very much.

MR. CHRISTIE: The real property summary is a recapitulation of the value of the land, the assessed value, the tenders made, and the history of the administration.

THE SUB-COMMISSIONER: If there is anything you feel you have to put in further we will hear it at 2.15 o'clock p.m.

MR. DUNCAN: That is spendid, thank you.

(PROCEEDINGS ADJOURNED SINE DIE)

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

A.G. Veitch

"A.G. VEITCH"
Official Reporter.

I, M.A. Miller, Deputy Commissioner, appointed to hear a Commission to investigate claims of Japanese Canadians for property loss, do certify the foregoing is a true copy of the evidence heard on the within claim.

M.A. Miller

NOTIFY MESSRS. SIMPSON & DUNCAN,
Barristers and Solicitors,
The Birks Bldg.,
Hamilton.

(4) (e) (iii):

K. OZAWA SHOE STORE, 244 Powell Street, Vancouver:

Lands and building (three story brick building, 242-4-6 Powell Street; 242 - Panama Rooming House; 244 - K. Ozawa Shoe Store; 246 - Niko Niko Restaurant and Inamoto Transfer, leased to J.Inamoto at $25.oo per month)			$20,000.00
Business:	Stock	$1937.39	
	Fixtures, including shoe repair equipment	1750.00	
	Goodwill	1000.00	
	Book debts	153.01	4,840.40
Tenancies:			500.00
			$25,340.40
Less mortgage		$4000.00	
" balance owing to Trade for stock		900.00	4,900.00
			$20,440.40

Transfer to Long List - Sub-Commission

DEC - 3 1947

Case 1120

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

2783

Toronto

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

(1) NAME OZAWA, Keisuke (RCMP) Reg. No. 05996
(Print) Surname Given Name

(2) Pre-Evacuation Address 242 Powell St. Vancouver, B.C.

(3) Present Address 184 Queen St. N. Hamilton, Ont.

(4) REAL ESTATE

(a) Street Address (if any) 242-244-246 Powell St. Vancouver, B.C.
City or Municipality, Province

(b) Legal description (lot number, block number, section number, etc.)
D.L. 196 Block 5 Lot 24

Simpson & Hunter Bldg. Hamilton

(c) Type of Real Property (cross out words which do not apply):
(i) ~~Farm~~
(ii) ~~Residence~~ Type of business (Rooming house, Shoe shop, Restaurant & Express) K. OZAWA'S SHOE STORE
(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
Subject to mortgage.

(e) Fair market value at date of sale (estimate this to the best of your ability):
(i) Land - 00
(ii) Buildings - 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) - $ 20,440.40
(v) Amount at which Custodian sold property and credited your account - - $ Not known
(f) Loss (This figure is arrived at by deducting item (v) from item (iv) - - - $ Not known

(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

(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) - $ not known

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

(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)
of)
TO WIT:)

I, K. Ozawa of the City
of Hamilton, in the County of Wentworth,

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 Hamilton)
in the County of Wentworth)
this 27th day of November,)
A.D. 1947.)

K. Ozawa

A Commissioner &c. Notary Public

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.

_____

March 2nd 1948.

Messrs. Simpson & Duncan,
Barristers and Solicitors,
The Birks Bldg.,
Hamilton, Ont.

Dear Sirs,

Re claim of Keisuke Ozawa

We have referred your letter of February 26th requesting statement etc. to the office of the Custodian, and no doubt you will be hearing from them in due course in this connection.

We have taken note of the fact that you are acting for the claimant, and you will be notified of the time and place of hearing, as requested. This will be not earlier than the month of May.

Yours truly,

A. WATSON

VW. SECRETARY

KEISUKE OZAWA
(Claimant's Name)

REAL ESTATE
(Other than farm)

EXHIBIT No. 1120-1
DATE OCT 13 1948
FILLED BY W. A. Duncan

05996
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
Stores and Rooming House	20	Stucco and Brick	Shoe Store, Shoe Repair Shop, Rooming House	25x122	June 5, 1923	June 5, 1923

Type of Locality	Cost Price	Improvements made by Claimant	Estimated Value Date of Sale
Downtown Vancouver, Japanese Business Section	$15,000.00	Normal Maintenance	$16,000.00 + 537.70 = $11,462.30 including mortgage $100 Claim for loss

Comments re upkeep of premises:

During the time that I was owner of these premises, I kept them in good condition by having repairs made as they were required, and when I left the premises, under Government orders, they were in good order.

Comments re Appraiser's report not covered above:

I spent $75.00 on having a hole in the roof repaired in or about the year 1935. In the yeat 1935 or 1936 the whole roof was repaired by having the same tarred and gravelled and I was informed that a ten year guarantee covered this work. In 1938 I scraped and painted the fire escape and found it at that time in good condition. In 1942 I inspected the fire escape and found it in good condition, and the same was in good condition when I left the premises. The brick work was in good condition when I left the premises. Several years before the brick work had been pointed up and covered with stucco on two sides, and I particularly noted that that was also in good condition. There was no broken glass and there were no transom lights broken at the time I left the premises. In 1941 the whole exterior woodwork was painted green and this was in good condition when I left the premises. The floors were strong enough to hold very heavy shoe repair machinery. One machine alone weighed one and one-half tons and in operation shook the floor. I know that the floor was not in the best condition, but it was sufficient to hold heavy machinery, and there was no dangerous condition at the time I left. In 1939 I spent $200.00 on plumbing, and it was in good order in 1939, and continued to be in good order until I left the premises in 1942,

Removed not filed

I attach copies of valuations made by George F. Jacobs and George La Fleche. In view of these valuations, the valuation of $2250.00 made by Johnson & Co., does not represent the fair market value. My life's work and savings were represented by this building and my livelihood was derived from the use of the building. The value to me was at least $16,000.00, and in my claim I estimated it at $20,000.00. The average annual taxes for the years 1939-1942 inclusive were $325.00, and the average assessment was $9325.00. From October 31, 1936 to October 31, 1941, I paid over $5000.00 on account of the mortgage.

K. Ozawa
Signature

1120 - 2
EXHIBIT No.
DATE Oct 13 1948
FILED BY K.A. Christie

JOHNSON, REEVE and WATSON
Estate Agents

Bank of Nova Scotia Building
602 West Hastings Street
VANCOUVER, B. C.

The Confederation Life Association,
470 Granville Street,
VANCOUVER, B. C.

Dear Sirs:

re Mortgage No.3803 - Keisuke Ozawa
Lot 24, Block 5, S.D. of D.L. 196,
Group 1, Plan 196, Vancouver District
242 and 244 Powell Street,
Vancouver, British Columbia

In accordance with your instructions, we have inspected the above described property and beg to report as follows:-

This property is situated in the portion of the Powell Street which for many years has been occupied exclusively by Japanese and, prior to the War, there is no doubt that a good deal of retail business was done in this section. At the present time, owing to the evacuation of the Japanese from the Pacific Coast, the street is practically deserted so far as ground floor premises are concerned and the rooming houses in the upper storeys of some buildings have been largely rented to Chinese and are occupied by white men.

The difficulty of obtaining tenants for ground floor premises at any rent and the low rents for rooms, make it difficult to estimate value on the ordinary basis of income return especially as the City Assessor has not yet reduced his valuations of land for taxation purposes. The assessment of this property, for instance, is $5,100 on the building and $3,500.00 on the land, a total of $8,600, the taxes being $304.16 this year.

The lot has a frontage of 25 feet and a depth of 122 feet.

The building is a three storey brick structure with a small furnace room excavated at the back, the upper floors being heated by hot water. The access to this furnace room is by a concrete stairway in the back yard, which is rather dangerous as it has no protective railing.

There are seventeen rooms on the two upper floors, including the office and kitchen used by the lessees. There is one bathroom, two hallway sinks, and one sink in the kitchen.

There are no wash basins in the rooms. There is a bath which was installed by the tenant in consideration of the moderate rent of $30. per month and we understand the lease runs to the 31st July, 1945. The ground floor was formerly divided into two shops, of which one is now vacant and one occupied by a man with a large family who took possession without authority and does not pay any rent. The only plumbing in these premises is a sink and a w.c. with access only from out doors.

Generally speaking, the building is in very poor condition. We could not inspect the roof because the fire escape is in a dangerous condition but it is altogether likely that this roof has been neglected as much as the rest of the building. The fire escape needs repairing and strengthening and cannot be used at present without risk. The brick work of the back wall needs pointing and a new down pipe is required. The doors and windows at the back on the ground floor have been damaged and there is a good deal of broken glass. The glass in the door of one of the stores is broken and the transom lights are also broken. The exterior paintwork of the building has been neglected for a long time.

The most serious item in the condition is the floor of the shops. The joists appear to have ro tted and it will probably be necessary to take up the whole of the floor and relay it with new joists. The shops are extremely dirty and the plumbing in bad condition. The rooms upstairs are in fair condition.

The Confederation Life Association,
Vancouver, B. C.

2nd November, 1943.

The rent of the rooms is only just sufficient to pay the taxes, insurance, and the cost of collection leaving no surplus for repairs.

We have estimated the probable cost of putting the building into good condition at from $900. to $1,000.

Under existing circumstances, with the building in its present condition and with no investment return, we are of the opinion that the property is not worth more than $2,250.00.

If you intend to foreclose the mortgage and take title to the property, we would point out that the dangerous condition of the fire-escape and the entrance to the furnace room would involve you in liability for any accident which may occur. Even if you spend a total of $1,000 on putting the building into good condition, it is a little doubtful whether tenants for the ground floor could be obtained soon and we feel that the wisest course for you to adopt would be to sell the property as it is even if you have to accept $2,000., rather than spend any money.

Yours faithfully,

JOHNSON, REEVE & WATSON

per D.W.Reeve

DWR

Nov 5 1942
"JI"

I hereby certify that the foregoing words (2 pages)are a true copy of the original whereof they purport to be a copy.

January 3rd 1949

G.M. Scott

EXHIBIT No. 1120-J
DATE OCT 13 1948
FILED BY W. B. Duncan

ASSESSMENT COMMISSIONER'S OFFICE

ARTHUR T. DALTON
ASSESSMENT COMMISSIONER

TELEPHONE FAIRMONT 2711

VANCOUVER. B. C.

March 23rd, 1948.

Messrs. Simpson & Duncan,
Birks Building,
Hamilton, Ontario.

Dear Sir:

Re: 242-4-6 Powell St., Vancouver, B.C.

The information requested in your letter of the 18th instant regarding the assessed value of the property located at the above address is as follows:

Year	Assessed Value	
	Improvements	Land
1939	$5500.	$4125.
1940	5500.	4000.
1941	5350.	3875
1942	5200.	3750.

The addresses 242-244-246 Powell Street are treated as one parcel being two stores and entrance to rooms up, the legal description being Lot 24, Blk. 5, D.L. 196. No Business Tax has been in effect to date in this City, though such a Tax is being contemplated for the first time in 1948.

Yours truly,

A.T. DALTON.
Per: JHB

ASSESSMENT COMMISSIONER.

JHB:BH

TREASURER'S OFFICE

JAS. L. ARMSTRONG
CITY TREASURER AND
COLLECTOR OF TAXES

TELEPHONE: FAIRMONT 2711

Ref. #149

VANCOUVER, B.C.

March 23rd, 1948.

Messrs. Simpson & Duncan,
The Birks Building,
HAMILTON, Ont.

Dear Sirs:

Re Lot 24, Blk.5, D.L. 196
(242-4-6 Powell Street)

In reply to your letter of March 18th, I give below the net amount of taxes levied on the above described property for the years 1939 to 1942 inclusive:

Year	Net Taxes
1939	$ 341.47
1940	323.33
1941	316.08
1942	319.16

1300.04
325.01

According to our records a Rooming House License was issued covering this property during each of the above mentioned years, amounting to $13.50 per year.

Yours faithfully,

Jas L. Armstrong

CITY TREASURER.

S

KEISUKE OZAWA
(Claimant's Name)

PERSONAL PROPERTY
(Business)

EXHIBIT No. 1120 - 4
DATE OCT 1 3 1948
FILLED BY W B Duncan

05996
Reg. No.

Type of BUSINESS	Location	Gross Turnover 1941	Average Mark Up	Net Income 1941	Estimated Value of Goodwill
1- Retail Shoe Business & Shoe Repairs	242-6 Powell St. Vancouver, B.C.	$7000.00 estimated, Books not available	30% Retail Shoe 60% Repairs	$1600.00	$1000.00
2- Rooming House	-same-	$1020.00	-	780.00	

Description of Stock-in-trade at evacuation (Attach inventory with cost prices)	Whether prices mentioned are wholesale or retail:	I PURCHASED THE BUSINESS: Date of Purchase	Price	Value Stock Date of Purchase	Value of Furniture equipment and Fixtures at date of purchase	Value of Goodwill at date of purchase:
See Inventory attached (Sheet No. 1) $2237.56	Wholesale	I opened and developed this business myself many years ago.				

Furniture equipment and fixtures acquired after purchases:

Description	Date Acquired	New or Used at Date Acquired	Price Paid	Condition when Evacuated:	Estimated value at date of Evacuation:
See sheet No. 2 annexed					~~$2237.56~~ 335.00
14 bedroom suites including beds, springs, mattresses, dressers, chairs, tables, bedding, sheets, blankets, pillows, and four gas heaters			$850.00	Good	500.00

List of Accounts Receivable and Accounts collected by Custodian Attached:

See attached sheet No. 3. ($153.01)

Method of Storage and Arrangements Made at Time of Evacuation:

In the custody of the Custodian.

Additional comments, if any:

This business was a going concern from which I derived my livelihood until I was evacuated. The assets of the business were disposed of then. The prices obtained by the Custodian for the assets of the business were too low, and I was not aware at the time of the sales that such prices were being obtained. I was very ill and in hospital, and I believe the sales were all arranged by the Custodian, or his agent. The stock in the Shoe Business and in the Shoe Repair Business was kept up until the time I was evacuated.

K. Ozawa
Signature

KEISUKE OZAWA CLAIMS NO. 05996:

Ladies Shoes	154 pairs	$345.41	
Men's Shoes	176 "	667.32	
Boy's Shoes	87 "	201.43	
Felt Slippers & Spats	104 "	84.95	
Rubbers	112 "	163.82	
Tennis Shoes	95 "	100.48	
Misses & Child's Shoes	253 "	323.57	
Babies Shoes	69 "	50.58	$1937.56
Polishes, Heels, Shoe Maker's Findings & Repaired Shoes			300.00
			$2237.56

14 Bedroom suites including beds, springs, mattresses, dressers, chairs, tables, bedding, sheets, blankets, pillows, and four gas heaters -

Price paid	$850.00	
Condition when evacuated	Good	
Value at date of evacuation	$500.00	$500.00

Furniture equipment and fixtures acquired after purchases:

Description	Date Acquired	New or Used at Date Acquired	Price paid	Condition when Evacuated	Estimated Value at Date of Evacuation	
8 day wall clock	1916	New	$10.00	Good	$ 8.00	
4 Light Fixtures	1930	New	30.00	"	25.00	
1 Heater with sawdust Burner	1940	New	30.00	"	25.00	
2 Wrapping paper Hangers	1916	New	6.00	"	5.00	
1 desk with plate glass top	1930	New	15.00	"	12.00	
6 Chairs	1923	Used	30.00	"	25.00	
1 Bamboo bookcase	1925	New	8.00	"	5.00	
1 Ironing Board	1928	New	1.95	"	1.00	
1 Kerosene sweeping brush	1938	Used	1.95	"	1.50	
1 chest drawers	1919	Used	10.00	"	5.00	
1 Clothes dryer	1930	New	2.00	"	1.50	
1 Extension ladder	1928	New	10.00	"	7.00	
1 Bicycle Carrier	1936	New	5.00	"	4.00	
1 Picture frame	1918	New	10.00	"	3.00	
1 Neon Sign & transformer	1931	New	250.00	"	200.00	
1 suitcase	1930	New	15.00	"	7.00	$335.00

KEISUKE OZAWA CLAIM NO. 05996:

List of Accounts Receivable:

R. Anzai	$2.75	
Asan	.50	
Fukai	5.00	
M.Fukuda	2.50	
Fukuda	1.45	
G.Hayashi	8.85	
Iwamuto	2.27	
G. Inamoto	13.05	
I naba	3.35	
Ikeda	1.50	
Kadota	1.50	
Kati	5.00	
Kameoka	1.50	
Mizuhara	4.75	
Mezamashi	1.25	
Maeda	2.40	
Miyata	.35	
Nagata	3.80	
Okura	.45	
Onami	4.20	
Shishido	2.25	
Shino	6.00	
Shimodaira	4.35	
Shimura	6.50	
Sawada	2.35	
T.Sada	10.00	
K. Tsuyuki	27.89	
Tokawa	2.05	
Takasaki	.65	
Tanaka	2.65	
R.Tange	6.00	
Umezuki	.60	
Wakabayashi	.95	
Watanabe	.70	
R. Yoneyama	3.95	
Yoshida	1.50	
B.Yasui	8.20	$153.01
Rent of 246 Powell St.		322.15
	Total:	$475.16

1w

ANALYSIS OF PERSONAL PROPERTY CLAIM

FILE No 2783 EXHIBIT No.

NAME Keisuke OZAWA

REG. No. 05996

DATE	INVENTORY	DETAILS OF CLAIM		SALES		SOLD WITH REAL PROP.	DECL. NOT FOUND
DECLARATION April 9/42 EVACUATION Aug.4/42	TAKEN BY H.D. Campbell DATE June 1942			~~AUCTION~~	~~TENDER~~		
Approximately $1200.00 in shoes in store building at 244 Powell St. Vancouver, B.C. Cash Register valued at $200.00, Adding Machine value $125.00, one safe value $100.00, one showcase and fixtures, value $200.00 also at above address 14 bedroom suites, Dining room suite, one couch, one bridge lamp, one desk lamp, gramaphone, two electric clocks, one bookcase & quantity of books, kitchen range, kitchen table and six chairs, kitchen cabinet, silverware, electric appliances, davenport, at 242 Powell St. Vancouver, B.C."	Boots and Shoes Stock- as follows:- Pairs Ladies 180 Men's 35 Boy's 42 Felt slippers 237 Rubbers, 170 Assorted lot of shoe Polishes- 1 Lot Rubber heels 1 lot of Shoemakers Findings- Miscellaneous assortment of repaired and resoled Boots and shoes	Business - Stock	1937.39				
		Fixtures, including shoe repair Equipment	1750.00				
		Goodwill	1000.00				
		Book debts	153.01				
		Tenancies	500.00				
		Gross claimed	5340.40				
		Stock -	1937.39	Sold for $250.00 on Agreement by OZAWA to th			
		Fixtures, including shoe repair Equipment, only 335- claimed for	1750.00	Sold for 70.00 by OZAWA direct- one Adding M " " 58.50 " " 's authority- One Cash " " 60.00 " " " - One safe " " 1.50 " " " -Miscellaneo " " 100.00 Sale arranged by OZAWA (Chatte portion of shoe repair equipment was			
	Shoe Repairing Machinery and Equipment as follows: Champion Straight Stitcher(H530661) Mackay Stitcher(D1602) Finishing Wheel Motor (29325) Singer Patcher(29K2) Vulcanizer Scewer Sundry equipment	Goodwill	1000.00	Not considered in this Analysis			
		Book debts	153.01	" " " "			
		Tenancies	500.00	" " " "			(all rents ob applied for
	Fixtures Safe Cash Register Show case Stove Benches Clock $ 600.00 Stock 400.00 $1000.00		$5340.40				
	1 8 Day wall clock 4 Light fixtures 1 Heater with sawdust burner 2 wrapping paper hangers 1 Desk with plate glass top 6 Chairs 1 Bamboo bookcase 1 Ironing Board 1 Kerosene sweeping brush, 1 Chest of drawers 1 Clothes dryer 1 Extension ladder						
	1 Bicycle carrier 1 Picture frame 3 Electric signs 1 Neon sign & transformer 1 Suitcase 1 Carton						

LE No 2783 EXHIBIT No. EXHIBIT No 1120-J1 CASE No.

EG. No. 05996 DATE OCT 13 1948 VENUE TORONTO.

FILLED BY K. A. Christie

SALES		SOLD WITH REAL PROP.	DECL. NOT FOUND	NO RECORD AT ANYTIME	ABANDONED	NO ACCOUNT, THEFT &c	UNSOLD	REMARKS
AUCTION	~~TENDER &c~~							
ld for $250.00 on Agreement by OZAWA to the sale -								through H.D. Campbell C.A.
ld for 70.00 by OZAWA direct- one Adding Machine " 58.50 " " 's authority- One Cash Register-June 10/42 " 60.00 " " " - One safe " 1.50 " " " -Miscellaneous articles " 100.00 Sale arranged by OZAWA(Chattels, fixtures and Equipment of Rooming House) portion of shoe repair equipment was delivered on Aug.27/42 to J.Moffatt on behalf of the Hastings Park Clearing Station,								Through H.D. Campbell C.A.who dealt with all chattels, Fixtures etc. on behalf of OZAWA and the Custodian. (Extract of ltr. July 14/42 attached) ✓ which they took possession of on behalf of K. OZAWA. See extract of letter April 3/44- Campbell,attached. ✓
t considered in this Analysis								This action of delivery on Aug. 27/42 concluded "this case" according to report of H.D. Campbell C.A. Aug. 19,1942.
" " " "								
" " " " (all rents obtained prior to Quit Claim of Realty to Mortgagee were applied for benefit of OZAWA).								

April 12, 1948

File No.
2783

Keisuke OZAWA
Reg. No. 05996

PERSONAL PROPERTY
SECTION

EXTRACT from letter July 14/42
from OZAWA to Campbell as follows:-

"I have sold chattels, fixtures, and
Equipment and rooming house business to
Leong Kai Moo for an amount of $100.00".

April 12, 1948

File No.
2783

Keisuke OZAWA,
Reg. No. 05996

PERSONAL PROPERTY
SECTION

EXTRACT from letter April 3/44 of H.D. Campbell,C.A. to Custodian as follows:-

"With regard to your enquiry as to the shipment of Mr. Ozawa's shoe repairing equipment to the interior, I have on file a receipt dated August 27, 1942 signed by J. Moffat, on behalf of the Hastings Park Clearing Station, for this equipment of which they took possession on behalf of K. Osawa"

FORM "JP"

BUREAU HASTINGS PARK

FILE No. 2783 EXHIBIT No. 1120 - 6

DATE Oct 13 1948

FILED BY K.A.Christie

OFFICE OF THE CUSTODIAN

JAPANESE SECTION

To be completed by persons of the Japanese race having property in any protected area. The proper administration of this property requires such persons to give full particulars as requested in this form.

PERSONAL INFORMATION

NAME: OZAWA Keisuke

HOME ADDRESS: 242 Powell St. Vancouver, B. C.

REGISTRATION NUMBER 05996 SEX: Male AGE: 46

OCCUPATION: Shoe Merchant

(If any business or businesses carried on, state where, under what name and whether carried on by yourself or in partnership with anyone; if partnership, give partner's name.)

EMPLOYER: Self

MARRIED? Widower

NAME OF WIFE OR HUSBAND: None

ADDRESS OF WIFE OR HUSBAND: None

NAMES OF ANY LIVING CHILDREN: Roy (M), Grace (F)

ADDRESS OF CHILDREN: Same address as above

AGE OF CHILDREN: 15 and 12 respectively

STATEMENT OF ALL REAL PROPERTY (Each parcel must be mentioned and particulars given)

1. LOCATION AND DESCRIPTION: Building located at 242, 244, 246 Pow ell St. Vancouver, B. C. Legal description - Block 5 - Lot 24 D.L.196

2. BUILDINGS AND OTHER IMPROVEMENTS: 3 storey brick building, two stores on ground floor. Second and Third floors consist of 17 rooms, 12 rooms rented to tenants, five rooms occupied by declarant.

3. INSURANCE (Give particulars; state where policies are) $5000.00 fire insurance on building, name of Company and policy number unknown.

4. TAXES (Amount and where payable) Approximately $400.00 paid to Dec. 31st 1941 to City of Vancouver, B. C.

5. ENCUMBRANCES (Including any unregistered claims or deposit of title deed)

Approximately $3000.00 owing by way of mortgage to Confederation Life Assurance Company, Vancouver, B. C. Payments made to date

6. OCCUPANCY AND LEASES (If vacant so state) see item no. 2

7. STATE WHEREABOUTS OF TITLE DOCUMENTS: Title in Land Titles Office, Vancouver, B. C.

8. STATE IF ANY OTHER PERSON HAS ANY INTEREST: None

9. IF FARM LAND STATE CROPS SOWN None

STATEMENT OF REAL PROPERTY OCCUPIED

1. LOCATION AND DESCRIPTION: Lives at 242 Powell St., Vancouver B.C.

2. LANDLORD'S NAME AND ADDRESS: Self

3. PARTICULARS OF LEASE AND RENT AND DATE TO WHICH PAID: None

4. STATE WHEREABOUTS OF LEASE: None

5. SUB-TENANTS, IF ANY (Give name, address, rent and to what date paid) None

6. IF FARM LAND, PARTICULARS OF CROPS SOWN: None

STATEMENT OF PERSONAL PROPERTY OWNED:

1. GIVE BRIEF DESCRIPTION AND STATE LOCATION OF FURNITURE, FIXTURES, EQUIPMENT AND MACHINERY, STOCK IN TRADE AND PERSONAL EFFECTS:

Approximately $1200.00 in shoes in store building at 244 Powell St. Vancouver, B.C. cash register valued at $200.00, adding machine value $125.00, one safe value $100.00, one showcase and fixtures value $200.00 also at above address.

14 bedroom suites, dining room suite, on couch, one bridge lamp, one desk lamp, Gramaphone, two electric clocks, one bookcase and quantity of books, kitchen range, kitchen table and six chairs, kitchen cabinet, silverware, electrical appliances, davenport at 242 Powell St. Vancouver, BC

2. HORSES, LIVESTOCK AND OTHER ANIMALS, POULTRY AND PETS ~~at 242 POWELL St Vancouver, BC~~

3. GIVE THE NAME AND ADDRESS OF ANY PERSON HAVING ANY INTEREST IN, OR CLAIM ON ANY SUCH PROPERTY NoneNone

FORM "JP

4. INSURANCE
shoe stock a
and name of
$500 ins o

5. MORTGAGES

OTHERS

6. MONEYS OW
Approximatel

7. BONDS, DEB
$50.00 Victory
Vancouver, B.

8. BANK ACCOU

9. LIFE INSURA
Polic
premi

10. INTEREST IN

11. SAFETY DE

LIABILITIES:

1. PERSONAL I

2. TRADE DEBT

I, the undersig
tected area as set
tures, bonds or oth

I certify that
every description i
and indirect.

Dated this

"W

FOR DEPARTME

FORM "JP

FILE No.

4. INSURANCE CARRIED ON ABOVE PROPERTY: $1000.00 Fire Ins carried on shoe stock and fixtures. Policy and name of Company unknown. Policy number and name of Company unknown.
$500 ins on Rooming House equipment and household effects.

5. MORTGAGES, LIENS AND OTHER CLAIMS ON PROPERTY IN POSSESSION OF OTHERS: None

6. MONEYS OWING TO YOU (State if any of these debts assigned and if so, to whom)

Approximately $500.00 owing in small accounts and rooming house rents.

7. BONDS, DEBENTURES, SHARES, STOCKS OR OTHER SECURITIES (State whereabouts)

$50.00 Victory Bond of 1941 issue in owners possession at 242 Powell St., Vancouver, B. C.

8. BANK ACCOUNTS: Savings Acct. Royal Bank of Canada, Cordova St. Branch, Vancouver, B. C. Present balance about $50.00.

9. LIFE INSURANCE: Life Insurance policy in Japan value 10,000 yen. Policy number and name of Company unknown, Beneficiary son (Roy) premiums in arrears for approximately a year due to the war.

10. INTEREST IN ANY ESTATES OR TRUSTS None

11. SAFETY DEPOSIT BOX: Royal Bank of Canada, Cordova St. Branch Vancouver, B. C. Number unknown

LIABILITIES:

1. PERSONAL DEBTS:

2. TRADE DEBTS: J. Lekie Shoe Co., Vancouver, B. C. -- $400.00
J.F. Mussinden Co., Vancouver, B. C. - $200.00
Dominion Rubber Co., Vancouver, B. C. - $170.00
another shoe company name unknown - $142.00
all paid
La Chance & Tanguay Ltd 70 and 73 Pyrgnella Quebec

I, the undersigned, hereby voluntarily turn over to the Custodian all my property in the protected area as set out above, excepting fishing vessels, deposits of money, shares of stock, debentures, bonds or other securities, if any.

I certify that the above information is true and complete and fully discloses all my property of every description in any protected area in British Columbia and sets forth all my liabilities direct and indirect.

Dated this 9th day of April 1942

(Signature) "K. Ozawa"

"W.C.Patterson"
Witness

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

FOR DEPARTMENTAL USE

Dex
January 3rd 1949

Lin M. Seal

1120 - 7
EXHIBIT No.
DATE Oct 18 1948
FILED BY K.A. Christie

CERTIFICATE OF ENCUMBRANCE
The Government
of British
Columbia.
LAND REGISTRY OFFICE

File 2783
No.

VANCOUVER, B. C.

.... minutes 10.40 A.M. 12th day of February 1944

I HEREBY CERTIFY that the following is the state of the title to

City of Vancouver,

Lot 24,
Block 5,
District Lot 196
Group 1, New Westminster District,
Plan 184.

Registered Owner: Keisuke Ozawa 05596

Volume 312, Folio 86788'I' Indef.

Registered Charges: 19758 F. 6/7/09 11.1 Confederation Life Association. Mortgage for $7500.00 Due 15/8/14. Int 7% C. of C. 14739.
86321 H. 28/1/31. 11.14. Nobuzo Ozawa. Mortgage for $3000.00 Due 24/1/34. Int 6%.
Filing 36321, The Custodian, Vesting Certificate as to K.Ozawa
Filing 37603, The Custodian, Vesting Certificate as to N. Ozawa.

Applications for Registration None

Receiving Order or authorized Assignment under the "Bankruptcy Act" None

Assignment for benefit of Creditors: None

Judgments: None

Mechanics' Liens: None

To:- The Custodian

"W.C.Brown"
Registrar
"?"

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

January 3rd 1949

1120 - 8
EXHIBIT No.
DATE Oct 13 1948
FILED BY
K.A.Christie

CONFEDERATION LIFE ASSOCIATION

British Columbia Branch
Mortgage Investments Department
JOHN N. IRVINE, Branch Superintendent

711-714 Rogers Building
Vancouver, B.C.
July 5, 1943.

Department of the Secretary of State,
Office of the Custodian,
Japanese Evacuation Section,
506 Royal Bank Bldg.,
Hastings and Granville,
Vancouver, B. C.

Dear Sirs: Re: Mtge 3803 - Ozawa; Your Reference File No. 2783.

Your letter received of June 22, 1943, in connection with the above and note your request for duplicate of the mortgage.

I have received from my Head Office in Toronto a photographic copy of the above mentioned mortgage and enclose same herein for your future reference. For your information, I wish to advise the standing of the account, as at June 22, 1943, the date of your letter, is as follows:

Principal	4,259.79
Interest to 15/2/43	177.91
	4,437.70

The Association is going to pay the 1943 Taxes amounting to $304.16 on July 3rd, 1943, and debit them to the account.

Interest is due on the 15th February and August of each year and the amount shown in interest is our claim only to February 15th 1943, and therefore Interest will be debited again on the 15th of August, 1943.

If any further particulars on the above property are required, I will be pleased to supply same.

Yours truly,

"John N. Irvine"

BRANCH SUPERINTENDENT,
Mortgage Investments Department.

JNI/MP
Photographic Copy.

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

January 3 1949.

C. M. M. Scoby

Attached to Exhibit 1120 - 8

2783

November 27th, 1943

The Confederation Life Assoc.,
711-714 Rogers Building,
Vancouver, B. C.

Attention Mr John N.Irvine

Dear Sirs:

Re: Mortgage #3803 - Keisuke OZAWA
Lot 24, Block 5, D.L. 196

In connection with Keisuke OZAWA's property at 242-6 Powell Street, we enclose herewith a copy of an offer to purchase these premises for a price of $2,100.00 cash, with the understanding that we will have the McDougal family, who are trespassers there, evicted before the proposed purchaser will take possession.

In Messrs. Johnson, Reeve & Watson's report to you of November 2nd they state that the wisest course for you to adopt would be to sell this property for $2,000.00 rather than spend any money on repairs. As a result of this report and our various conversations, we have been able to obtain the above offer of $2,100.00 cash, the additional $100.00 we have added to the price is to take care of the legal expenses in evicting the McDougals.

At the time the Japanese properties were offered for sale by public tender we arranged with the Vancouver Real Estate Association that the properties would be listed with the various firms, who would be allowed a commission of 5% in the event of sale. While no offers were received on this property, we feel that we should allow the firm of Campbell & Pemberson, the agents in this connection, a commission of 5% should this proposed deal go through.

Will you kindly advise this office as soon as possible if your Company will accept $2,000.00, less 5% commission, for a release of your Mortgage and all claims against Keisuke OZAWA; upon receipt of which confirmation, we would recommend approval of the sale to Ottawa.

Yours truly,

G.D.Milsom
Administration Department.

GDM/GH
Enc.

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

January 3rd 1949

C. M. M. Scott

Attached to Exhibit 1120 - 8

CONFEDERATION LIFE ASSOCIATION

BRITISH COLUMBIA BRANCH
Mortgage Investments Department
JOHN N. IRVINE Branch Superintendent.

711-714 Rogers Building,
VANCOUVER, B. C.

Your file #2783

December 4th, 1943.

Department of the Secretary of State,
Office of the Custodian,
Japanese Evacuation Section,
Royal Bank Building,
Vancouver, B. C.

ATTENTION: Mr G.D.MILSON; ADMINISTRATION DEPARTMENT

Dear Sirs:

Re: Mortgage #3803 - Keisuke Ozawa

Your letter received of November 27th, 1943, in duplicate, with enclosures as stated and have noted your remarks and the offer as made.

I have been in communication with my Head Office and with my recommendation, they are prepared to accept $2,000.00 for the discharge of their mortgage less 5% commission, or a net of $1,900.00.

I would be very pleased to hear further from you as soon as this matter has been arranged and would like, if at all possible, to get the account cleaned up before the end of the year.

Yours truly,

"John N.Irvine"

BRANCH SUPERINTENDENT
Mortgage Investments Department.

JNI/MP
N.E.

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

January 3rd 1949

C. M. M. Sadler

Department
Labour

Attached to Exhibit 1120 - 8

BRITISH COLUMBIA SECURITY COMMISSION

360 Homer Street,
Vancouver, B. C.
February 5th 1944

Dept of Secretary of State,
Office of the Custodian,
506 Royal Bank Building,
Vancouver, B. C.

Dear Sir,

Re: Keisuke OZAWA #05996
Custodian File #2783

Referring to your letter of the 29th ulto., our Supervisor has interviewed the above named individual, and now writes us as follows:-

"I have today interviewed this man and he advises that Nobuzo OSAWA is in Japan. He also advises that he does not hold a Discharge of the Mortgage."

"Mr OSAWA still refuses to sign the Quit Claim deed and I believe we can do nothing more with him."

Yours truly,

"M.L.Brown"

M.L.Brown
Office Manager

MS

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

January 3rd 1949

C. M. Scott

Attached to Exhibit 1120 - 8

CONFEDERATION LIFE ASSOCIATION

711-714 Rogers Building
VANCOUVER, B. C.

BRITISH COLUMBIA BRANCH
Mortgage Investments Department
John N.Irvine Branch Superintendent

April 3, 1944

The Department of the Secretary of State,
Office of the Custodian,
Japanese Evacuation Section,
506 Royal Bank Building,
Hastings and Granville,
Vancouver, B. C.

Attention Mr G.D.Milsom

Dear Sirs:

Re: Mortgage #3803 - Keisuke OZAWA

Your letter received of March 20, 1944, with enclosures as stated.

Our solicitors have advised us that title is now registered in the name of the Association unencumbered.

I will be reporting to my Head Office in due course that the property identified under the above is now in the name of the Association and they will authorize me to forward you cheque for $100.00 in consideration of the Quit Claim Deed given to the Association.

Yours truly,

"John N.Irvine"
BRANCH SUPERINTENDENT
Mortgage Investment Dept.

JNI/LR
N.E.

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

January 3rd 1949

M. Scott
C.M.

1120 - 9

EXHIBIT No.

DATE Oct 13 1948

FILED BY K.A.Christie

REAL PROPERTY SUMMARY

JAPANESE NAME: Keisuke OZAWA Reg No. 05996

CATALOGUE NO: 182

PROPERTY ADDRESS: 242 - 6 Powell Street, Vancouver, B. C.

LEGAL DESCRIPTION: Lot 24, Block 5, District Lot 196, Group 1, New Westminster District, Plan 184.

TITLE: In the name of Keisuke OZAWA. Certificate of Title No.86788-I.

ENCUMBRANCES:

Registered: 19758-F. 6 July 1909. 11.1 Mortgage to Confederation Life Association $7500.00, due 15th August 1914, interest at 7%.

86321-H. 28 January 1931. 11.14. Mortgage to Nobuzo Ozawa for $3000.00 due 24th January 1934, interest at 6%.

Filing 36321, vesting the interest of Keisuke Ozawa in the Custodian file June 7, 1943.

Filing 37603, vesting the interest of Nobuzo Ozawa in the Custodian, filed 10 February 1944.

Unregistered: No evidence of any on file.

ASSESSED VALUE: 1942

Land	$3750.00	
Improvements	5200.00	- $8950.00 Taxes - $332.39

The assessment was reduced to $8125.00 in 1944.

CLASSIFICATION: D.W.Reeve reporting to the Confederation Life Association on this property, 2nd November 1943, states "The Lot has a frontage of 25 feet and a depth of 122 feet.
The building is a three storey brick structure with a small furnace room excavated at the back, the upper floors being heated by hot water. The access to this furnace room is by a concrete stairway in the back yard, which is rather dangerous as it has no protective railing.

There are seventeen rooms on the two upper floors, including the office and kitchen used by the lessees. There is one bathroom, two hallway sinks, and one sink in the kitchen.

There are no wash basins in the rooms. There is a bath, which was installed by the tenant in consideration of the moderate rent of $30. per month and we understand the lease runs to the 31st July, 1945.
The ground floor was formerly divided into two shops,

. . . 2/

of which one is now vacant and one occupied by a man with a large family who took possession without authority and does not pay any rent. The only plumbing in these premises is a sink and a w.c., with access only from outdoors.

Generally speaking, the building is in very poor condition."

HISTORY OF ADMINISTRATION:

On May 23, 1942, Keisuke Ozawa wrote to H.D.Campbell saying that he was being moved to the hospital at Hastings Park and that his daughter would carry on his shoe business. He requested Mr Campbell to advertise his business for sale and the two upper storeys for sale or to rent. Mr Campbell had already been requested(8 May 1942) to report on this property and continued to act as rental agent for the Custodian.

On July 14, 1942, Keisuke Ozawa reported to Mr Campbell that he had leased the two upper floors of the building, comprising 17 one and two room suites, to Yip Chew Git as from 1st September 1942 for a term of three years at a monthly rental rate of $30.00, the lessee to have the privilege of occupation during the month of August preceding free of rent; the lessee to pay all charges accruing, taxes excepted, and to make certain specified alterations at his own expense. This arrangement was approved by the Custodian on 17th July 1942. The furnishings were purchased by the lessee at a price of $100.00. Copies of the lease and bill of sale are on file.

The ground floor of the building contained two stores, one of which was occupied by the shoe store of Ozawa and the other by the Imamoto Transfer which on 2nd April 1942 was $280.00 in arrears of rent, at a rental of $25.00 per month. Imamoto was, for this and other reasons, considered an undesirable tenant, but was allowed to remain until his evacuation. Mr Ozawa or his daughter continued to operate the shoe business until his evacuation on 4th August 1942.

Mr Campbell reported on 23rd July 1942 that he had arranged, subject to the Custodian's approval, to lease for three years the ground floor premises to the lessee of the upper floors at a rental of $15.00 per month for the first year, $25.00 per month for the second year and $40.00 per month for the third year, the period to conform to the lease of the upper floors. A letter (21 July 1942) of the Confederation Life Association on file approves of this proposed lease. This arrangement was a verbal one and contingent upon the lessees obtaining the privilege of using the steam press on the premises, partly dismantled and needing repairs (H.D. Campbell 12th September 1942). Delay occurred in these repairs being made, and a memo of Mr Milsom's 10th

. . .3/

November 1942 states that the deal fell through owing to new War Times Prices and Trade Board Regulations - nature of which is not disclosed. No revenue accrued from this floor. The balance of rent owing by Imamoto, $275.00, was reported uncollectable by Mr Campbell 7th December 1942.

The possibility of renting this ground floor was further complicated by the unauthorized occupation of one of the stores, No. 246 Powell, by a John McDougall, his wife and nine young children. Not only was their occupation an obstacle to renting the floor, but the children were believed to have stolen, unrestrained or encouraged by their father a large number of things from this and other Japanese owned premises. Their depredations were reported to the Children's Aid Society and finally to the Juvenile Court and other welfare agencies. It was finally decided to pay a charge of malicious damage against the father, John McDougall, but when the action came to trial it failed, the Chinese witness on whom reliance was placed, refusing to implicate McDougall.

The series of thefts and damage done and attributed to the McDougall family were estimated by Mr Campbell at an amount of from $1,000.00 to $2,000.00 (16 June 1943). To prevent continuance of these depredations it was decided to evict the family, and Mr Sheppard was instructed (31 August 1943) to take the steps necessary. He reported 5th October 1943 that the sheriff had been instructed to proceed with a writ of possession. Up to 3rd December the sheriff had taken no action, but in a letter from the Custodian to the City Health Department, it was stated that the sheriff had given assurance that the McDougall family would be evicted on the 13th, and no further reference to their occupation appears on file. This eviction was ordered as the McDougalls continued to take for firewood anything convenient, and with due consideration of public opinion as to evictions at that time.

In view of the mounting charges for repairs to the building, the annual taxes of $316.75 and interest on mortgage $375.00 with only a revenue of $360.00 per year, the mortgagee, Confederation Life Association, procured an appraisal of the property, by Mr Reeve (copy on file) who reported its condition as quoted above under "Classification". He estimated its value as at 2nd November 1943 as $2000.00 to $2,250.00 with the probable cost of $1,000.00 in putting in good repair. The balance owing on mortgage, 5th July 1943, amounted to $4744.86, with interest of about $180.00 falling due 15 August 1943, a total exceeding $4900.00. The property having been listed for sale in the Custodian's catalogue and no offers received up to October 6th, the Confederation Life Association intimated that it would be willing to accept a

. . . 4/

less amount if the property were sold, and if not they desired permission to institute foreclosure proceedings. As such proceedings would add from $200.00 to $300.00 to Mr Ozawa's liability and would leave him personally liable for the balance in excess of any price realised for the property this method of dealing with the property was not favoured by the Custodian, and it was suggested that a quit claim, with release from personal convenant, would be preferable. A memo by Mr Milson (15 November 1943) of a telephone conversation with the Confederation Life indicates that a quit claim was not satisfactory to the Home Office, and that the Association would prefer to accept the proceeds of a sale of $2,000.00. On the 26th Peter Hem, on behalf of P.C. Quon made an offer of $2100.00, on condition that the McDougalls would be evacuated before the purchaser took possession. This offer, with details of the situation, was reported to the Advisory Committee by Mr Shears on the 30th and on December 4th, the Confederation Life advised the Custodian that it was prepared to accept $2,000.00 less 5% commission on sale. Mr Shears and Mr Wright discussed this with Mr Durkee of the Advisory Committee, who considered the value of the property to be $5500.00 (note to Milsom memo of 11th December).

The next step taken was to instruct Mr Sheppard to prepare a Quit claim Deed of the property from Keisuke Ozawa to the Confederation Life Association. This deed was sent to the Supervisor of the B.C.Security Commission with the request that he obtain execution by Mr Ozawa, informing him of his continued liability if the mortgagee should foreclose. Mr Ozawa replied through the Supervisor requesting a statement of his account, which was sent on 10 January 1944. The Supervisor reported on the 13th that Mr Ozawa had decided not to sign the Quit Claim Deed.

A memo of 21 January 1944 by Mr Shears states that the Committee had advised him that it did not feel inclined to establish a precedent by approving the sale of any property at 25% of its assessed value, but was not averse to a Quit Claim Deed from the Custodian to the Confederation Life Association, with a provision releasing Keisuke Ozawa from the personal convenant contained in the mortgage.

At this stage it was necessary to take cognizance of the second mortgage in favor of Nobuzo Ozawa for $3,000.00.It was ascertined from Keisuke Ozawa (5 February 1944) that Nobuzo Ozawa is in Japan, and a vesting of his mortgagee interest was filed 10 February 1944. Mr Keisuke Ozawa informed the Supervisor of the Security Commission at New Denver, 5th February 1944, that he did not hold a discharge of this mortgage.

Pursuant to a request by the Custodian, Mr Sheppard prepared and sent to the Custodian the following documents to be executed (14 February 1944)

1. Request to the Registrar to record land in name of Custodian.

. . . 5/

2. Request to the Registrar to record mortgage) second mortgage) in name of Custodian.

3. Discharge of Second Mortgage

4. Quit Claim Deed

The quit Claim Deed, executed by the Confederation Life Association was received by the Custodian on 8th April 1944, and was sent to G.W.McPherson along with transmission of real estate and the second mortgage and Dischagre of the second mortgage for execution by the Deputy Custodian on 9th April 1944; the executed documents were returned to this office on 20 April 1944. They were sent to the Confederation Life Association, who on 3rd April 1944, reported that title, unencumbered, had been issued in the name of the Association, and $100.00 to cover legal charges was received from the Association on 17th April 1944. It may be added that the Confederation Life Association sold the property to Pong Cam Quon for $2,100.00.

In respect to the second mortgage, Mr Sheppard's opinion of 29th January 1944, may be cited:

"Further we cannot see that the Custodian has any particular interest in this matter. There appears no equity in it for the evacuee over the first mortgage, let alone any equity over the first and second; also the evacuee is not liable on the convenant, the original mortgagors were William and Clementine Francey and the only liability of the evacuee owner would appear under an express or implied covenant of indemnity to them, the mortgagors, which of course could be assigned to the Confederation Life Association, but has not been assigned. Therefore, at the present time the Confederation Life has no claim against this evacuee personally. You are therefore in a position where you will have to give a gift of the discharge of this econd mortgage or ask the Confederation Life to foreclose. We would suggest that you ask them to take foreclosure proceedings."

Mr Wright's opinion may also be quoted as set forth in his memo of January 31, 1944:

"The Confederation Life may be required to foreclose and get rid of the second mortgage. If they have to go to this expense, they are in no worse position than if the Japanese had not been evacuated. If Keisuke Ozawa were stillhere and refused cooperation with them as he has refused to cooperate with us, there would be no other course open to them.

It seems to me that we should in future bear this case in mind and where it is clearly shown that the Japanese have no equity, we will approve mortgagees exercising such rights as they may have under a mortgage held.

. . . 6/

EMNEX Simply write and tell them the Custodian has no objection to their taking proceeds if they so desire. By so doing we will avoid criticism by the Japanese later on inasmuch that the Custodian will have the protection of any order that is made."

FUNDS: Released to the credit of Keisuke Ozawa: Balance from H.D. Campbell $1.76, rent collected by Custodian $525.00, from Confederation Life Association for legal fees $100.00, total $626.76; less commission on rent $97.00, repairs $47.45, sundries $79.52, Certificate of Encumbrance $2.00, interest $150.00, legal fees $73.55, advertising $4.00, total $453.52. Net amount released $173.24.

The above summary is certified to be in accordance with information on file.

"Ian Macpherson"

IM:ic

DATED: June 5th, 1947

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

January 4th 1949 E.M. M. Scott

EXHIBIT 1120 - 10
DATE Oct 13 1948
FILED BY K.A. Christie

EVACUATION SECTION
Rec'd NOV 26 1943
File No.
Ans.

November 26th, 1943.

The Office of the Custodian,
506 Royal Bank Bldg,
Vancouver, B. C.

Dear Sirs:

In regard to our various conversations in connection with Lot 24, Block 5, D.L. 196, known as 242-4-6 Powell Street, I herewith submit an offer on behalf of P.C.Quon(Chinese citizen) of $2,100.00 cash for this property, it being understood that the McDougals will be evicted from the property before the purchaser takes possession.

I might state that I am familiar with the lease in regard to the upstairs rooming house.

Yours trully,

"Peter Hem"

Peter Hem.

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

January 4th 1949 E.M. M. Sadler

May 12th 1949.

Messrs. Simpson & Duncan,
Barristers and Solicitors,
The Birks Bldg.,
Hamilton, Ontario.

Dear Sirs,

Re Keisuke OZAWA - Case #1120

Referring to your letter of the 10th inst.- We note that the claimant desires to have argument presented before the Commissioner. We will in due course advise you of the date set for the hearing of argument.

We got in touch with Mr.McMaster, and he informed us that he would be looking after the interests of your client.

Yours truly,

A. WATSON
Secretary.

AW/W.

Simpson & Duncan
Barristers, Solicitors &c.

T. H. Simpson, K.C.
W. B. Duncan

Telephones 2-1166
2-1167

The Birks Building

Hamilton, Ont. May 10, 1949.

A. Watson, Esq.,
Secretary, Japanese Property Claims Commission,
Court House, VANCOUVER, B.C.

Dear Sir:- re Keisuke OZAWA - Case #1120

We have now spoken to the claimant and he advises us that it is his desire to have argument presented before the Commissioner in this case. It would be appreciated if the date for the hearing could be fixed some time in June, as we must arrange with Counsel in Vancouver to be present, and wish to give him sufficient notice so that he may be present at the hearing and have an opportunity to review the evidence. We are asking Mr. McMaster, of the firm of Campbell, Brazier, Fisher & McMaster, 675 Hastings Street West, to look after the matter on behalf of the claimant, and perhaps you would be good enough to let us know the date for the hearing, and also let Mr. McMaster know as well.

Yours very truly,
SIMPSON & DUNCAN.

Per: W. Duncan

WBD:D

argument to be submitted
by R. J. McMaster

Simpson & Duncan
Barristers, Solicitors &c.

T. H. Simpson, K.C.
W. B. Duncan

Telephones 2-1166
2-1167

The Birks Building

Hamilton, Ont. April 30, 1949.
Dictated April 29/49.

The Secretary,
Japanese Property Claims Commission,
Court House, Vancouver, B.C.

Dear Sir:- re #1120 Keisuke Ozawa

We have your letter of April 26th and are writing to our client asking that he see us without delay. We will advise you as soon as we have had an opportunity of talking with him whether or not it is his wish that an argument be presented on his behalf.

Yours very truly,
SIMPSON & DUNCAN.

WBD:D

Per: W. B. Duncan

April 26th 1949.

Messrs. Simpson & Duncan,
Barristers and Solicitors,
Birks Building,
Hamilton, Ontario.

Dear Sirs, Re claim of Keisuke OZAWA - Case #1120

The Commissioner directs me to advise you that he expects to conclude Sessions of the Commission during the month of June 1949. Your name is shewn on the Commission's records as Solicitors for the above claimant.

Government Counsel has informed the Commissioner that in answer to the foregoing claim the Government will rely on the documentary evidence which was adduced before the Commission, when each claimant was heard, as well as evidence of general application which has been introduced since September 1948,- the latter being of a general character relating to the administration of the Custodian's office and the conduct of sales of evacuee property by the Custodian. The Government does not propose to adduce other specific evidence relating to your client's claim.

In these circumstances the Commissioner instructs me to ascertain whether or not you desire to present argument in support of the above claim.

Will you kindly advise me on or before May 14th next whether or not it is your wish to present argument. If so, a date will be fixed for the hearing of such argument, subsequent to May 16th next, at Vancouver B.C. Otherwise, the Commissioner proposes to make his recommendations upon the above claim based on the material which is now before the Commission.

Please note that unless advice is received before May 14th next of your desire to present argument, the Commissioner will assume that you do not wish to do so, and will make his recommendations accordingly.

Yours truly,

A. WATSON
Secretary.

April 24th, 1948.

Messrs. Simpson & Duncan,
Solicitors,
Birks Building,
Hamilton, Ont.

Dear Sirs: Re: Japanese Property Claims Commission.

Claim of Osawa Keizuke, 05996, will be heard by the Commission on Thursday, 27th May next, at 10 a.m. in the Metropolitan Church Hall, King St. E., Toronto.

It is assumed that you will arrange to present this claim and, if not, that you will retain counsel in Toronto for this purpose.

Yours truly,

A. WATSON,
Secretary.

AWW-s