

Campbell, Brazier, Fisher, McMaster & Johnson
Barristers and Solicitors

A. T. R. CAMPBELL
C. W. BRAZIER
A. W. FISHER
R. J. MCMASTER
A. J. F. JOHNSON

OUR FILE NO.

THE ROYAL BANK BUILDING
675 WEST HASTINGS STREET
VANCOUVER, B.C.

October 25th, 1949.

Mr. Kunio Hidaka,
200 Brock Building,
200 Bay Street,
Toronto, Ontario.

Dear Kunio:

Re: Hyosaku Iwasaki - Case No. 415.

We have for acknowledgment receipt of your letter of September 29th.

We regret the delay in replying thereto. However, it was necessary to undertake some investigation concerning the matter. We might report that we had already taken this case to the Commissioner as a special case and after hearing our representations with respect to it he declined to give any award other than the general award. At the time we took the case before him, however, there was no indication in our file with respect to the offer to purchase the rooming house equipment and a lease for the sum of \$3500.00 referred to in your letter. We have pursued this matter both by reference to the Custodian's file and to an examination of the records at the Court House. Our search at the Court Registry indicates that in or about the Spring of 1942 Mr. Iwasaki was sued by Business Investments Limited. The Plaintiff alleged that the Plaintiff had obtained a purchaser, one Bert Flodell who was willing and able to purchase the rooming house equipment subject to the granting of a lease for the sum of \$3400.00. The same had been listed with Business Investments Limited by Mr. Iwasaki for \$3500.00. Apparently Business Investments Limited alleged that they had agreed to reduce their commission by \$100.00 which would enable the purchaser to buy, which said offer the defendant refused. The commission on the \$3500.00 sale would be \$350.00 and the plaintiff's claim by virtue of their agreement to reduce their commission is \$250.00. It would appear from the file that there was an Examination for Discovery carried on in the action but there

Mr. Hidaka:

October 25th, 1949.

- 2 -

is no indication that the action ever went to trial which rather suggests to us that judgment must have been obtained by reason of the default of Mr. Iwasaki in failing to appear at the trial. The Custodian paid the judgment and charged the sum to the claimant's account. Unfortunately, Mr. Dennis Murphy who acted for Mr. Iwasaki in these proceedings died last year and we have been unable to piece together the details as to how judgment was obtained.

In the circumstances referred to above we do not think there is any possibility of recovering from the Custodian the said sum of \$250.00 paid on the judgment. However, we do think that this action constitutes proof of the fair market value of the rooming house equipment and goodwill at or about the time of evacuation and we have advised Crown Counsel that we intend to open the case again before the Commissioner and urge upon him having regard to this new evidence to give the case special consideration.

Concerning the suggestion in the last paragraph of your letter it might now be possible to claim for goods sold at auction in the sum of \$60.00. We do not see any possibility whatsoever now of persuading the Commissioner to permit Mr. Iwasaki to amend his claim to include these goods.

Yours truly,

CAMPBELL BRAZIER FISHER McMASTER & JOHNSON

Per: Bob

McM:MM