

Tenant seeks injunction to stop neighbour smoking

Retired actor with bronchial woes says smoke seeps into suite

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A retired Vancouver actor wants a court injunction to prevent his next-door neighbour from smoking in their West End apartment building.

In a statement of claim filed in B.C. Supreme Court, Mina Erian Mina, 74, says that since October 2006 his neighbour, Christine Jestadt, has "created a nuisance" with her smoking.

Mina says the smoke has come through electrical wall sockets, windows and other access points in his suite in the Performing Arts Lodge (PAL) building on Cardero Street.

He claims he's suffered various health problems, including respiratory injuries, bronchospasm, reduced chest expansion, chest tightness, aggravation of coronary artery disease, loss of sleep, fatigue and anxiety.

"His medical doctors have advised him that this is causing respiratory injury to him," said Mina's lawyer, Christopher Rhone. "So this isn't a case where there's the occasional smoking. It occurs throughout the night and from time to time during the day as well. So he's constantly barraged by the infiltration of smoke into his unit."

He said Mina wants an injunction to restrain Jestadt from smoking in her suite and around Mina's suite. He is also seeking damages and costs.

"We're hoping the action itself will result in her abating the smoke without the need to have recourse to the court," said Rhone.

But barring that, Mina will proceed with applying for the injunction so that he can sleep at night.

Rhone cited a 1984 case in which a B.C. County Court judge granted an injunction after an elderly New Westminster couple complained about a cigar-smoking resident in a condo below them.

Mina is an actor who has played a variety of roles in film and TV over the years, including most recently a role in the film *Eastern Promises*. He also had a role in Clint Eastwood's western *Unforgiven*.



CREDIT:

Mina Erian Mina says he's unable to sleep because of the smoke.

PAL is an eight-storey building with 99 one-bedroom rental units for people who have worked in the performing arts.

Jestadt could not be reached for comment. No statement of defence has been filed. A statement of claim contains allegations that are unproven.

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