



**Njeru & another v Mukiira (Tribunal Case 11 of 2021)
[2023] KEBPRT 1191 (KLR) (Civ) (25 July 2023) (Ruling)**

Neutral citation: [2023] KEBPRT 1191 (KLR)

**REPUBLIC OF KENYA
IN THE BUSINESS PREMISES RENT TRIBUNAL
CIVIL
TRIBUNAL CASE 11 OF 2021
CN MUGAMBI, CHAIR
JULY 25, 2023**

BETWEEN

ANNA G. NJERU 1ST LANDLORD

DOMISIANO MARETE NJERU 2ND LANDLORD

AND

DR. STEPHEN MUKIIRA TENANT

RULING

1. The landlord's application dated 29.11.2022 seeks orders that the tenant be ordered to pay rent arrears amounting to Kshs. 799,500/= and render vacant possession of the suit premises. The assistance of the OCS Meru police station in enforcing the orders and an order for costs has also been sought.
2. The landlord's affidavit in support of the application has stated that the tenant is in rent arrears of Kshs. 799,500/= as at November 2022 and that further, on 17.3.2021, the parties herein entered into a consent for the payment of rent arrears amongst other issues.
3. The consent entered into between the parties is dated 17.3.2021 but was actually recorded in court on 22.3.2021 and an order to that effect issued on 23.3.2022. It was to the effect that:-
 - i. The tenant to pay the outstanding rent arrears of Kshs. 529,500/= by 30th June 2021 and in any event by 30th November 2021. In default, the tenancy shall stand terminated.
 - ii. The tenant to continue paying the monthly rent on and when the same falls due and on or before the 5th day of each month.



4. The landlord has deponed in his affidavit that the tenant breached the terms of the consent agreement by failing to pay the rent as agreed. That being the uncontroverted position, and as per the agreement of the parties, the tenancy herein terminated automatically.
5. And that being the case, it is my finding that the landlord is entitled to the orders sought in the application dated 29.11.2022. The Tenant is to render vacant possession of the suit premises forthwith failing which he shall be evicted therefrom forcefully.

RULING DATED, SIGNED AND DELIVERED VIRTUALLY THIS 25TH DAY OF JULY 2023.

HON. CYPRIAN MUGAMBI

CHAIRPERSON

25.7.2023

