



**Mureithi v Wanjiku & another (Tribunal Case E516 of 2024)
[2024] KEBPRT 824 (KLR) (19 June 2024) (Ruling)**

Neutral citation: [2024] KEBPRT 824 (KLR)

**REPUBLIC OF KENYA
IN THE BUSINESS PREMISES RENT TRIBUNAL
TRIBUNAL CASE E516 OF 2024
CN MUGAMBI, CHAIR
JUNE 19, 2024**

BETWEEN

TABITHA GATHONI MUREITHI APPLICANT

AND

MIRRIAM WANJIKU 1ST RESPONDENT

CITY & COUNTY HOUSING AGENCIES 2ND RESPONDENT

RULING

1. The Tenant/Applicant's Application dated 30.04.2024 seeks the following orders;-
 - a. That the Respondent be ordered to allow the Tenant unlimited access to the business premises without hindrance pending the hearing of this case.
 - b. That the Respondent be restrained from letting out the suit premises to another Tenant pending the hearing of this case.
 - c. That the Landlord be restrained from increasing the monthly rent from Kshs. 3,000/= to Kshs. 5,000/= or from in any other way interfering with the Tenant's occupation and lawful use of the suit premises.
 - d. That the OCS Kangema police station do assist in the compliance with the orders.
2. The Tenant has deponed in his supporting affidavit that he has been paying the monthly rent of Kshs. 3,000/= since 2018 and that the Landlord has now expressed an intention to increase the rent to Kshs. 5,000/= without following the right procedure.
3. The Tenant has further deponed that the Respondents have threatened to evict her from the suit premises.



4. The Tenant's complaint is also to the effect that the Landlord has threatened to illegally increase the monthly rent contrary to the provisions of Cap 301 of the Laws of Kenya.
5. I have perused the Landlord's notice for rent increment for shop No. 56 (the suit premises) dated 01.01.2024. The said notice is not issued in compliance with the provisions of Section 4(2) of Cap 301 and is therefore invalid and of no legal effect.
6. In these circumstances, I do find merit in the Application and the Complaint by the Tenant and proceed to allow the Application as prayed. The Complaint by the Tenant is also allowed in the same terms.
7. The Tenant will have the costs of the Application and the Complaint.

DATED, SIGNED AND DELIVERED VIRTUALLY THIS 19TH DAY OF JUNE, 2024.

HON. CYPRIAM MUGAMBI

CHAIRPERSON

BUSINESS PREMISES RENT TRIBUNAL

Delivered in the presence of;

Ms. Mureithi the Tenant- present in person

Mr. Daniel Waweru for the Respondents

