



**Emmanuel Amutalah t/a Victoria Junior Center v Kirui (Tribunal Case
E141 of 2023) [2023] KEBPRT 1143 (KLR) (26 May 2023) (Ruling)**

Neutral citation: [2023] KEBPRT 1143 (KLR)

**REPUBLIC OF KENYA
IN THE BUSINESS PREMISES RENT TRIBUNAL
TRIBUNAL CASE E141 OF 2023
CN MUGAMBI, J
MAY 26, 2023**

**BETWEEN
EMMANUEL AMUTALAH T/A VICTORIA JUNIOR CENTER APPLICANT
AND
JOHN MUTHIORA KIRUI RESPONDENT**

RULING

1. The landlord's application dated 17.01.2023 seeks orders of eviction against the tenant from the premises erected on the property known as DAG/Riruta/4/6A and further seeks for an order that the OCS, Dagoreti police station ensures compliance with the court orders.
2. The application is supported by the affidavit of Mr. Johnson Muthiora Kirui, the landlord wherein it has been deponed that the landlord intends to occupy the premises for a period of not less than one year for personal business use.
3. The landlord has further deponed that the tenant has been served with a notice to vacate the suit premises but has failed to so vacate.
4. The landlord's notice to terminate tenancy is the one dated 23.8.2022. The effective date is shown to be 1.12.2022 and the reason/grounds for termination of the tenancy are well set out under paragraph 3 of the notice. I have perused the notice to terminate tenancy and do find the same to be a valid notice.
5. The tenant has not filed a reference in objection to the notice and neither has he responded to the landlord's application. In this regard, the notice to terminate tenancy took effect on the effective date, that is, 1.12.2022.

Consequently, the tenancy between the parties herein terminated on 1.12.2022 and the tenant is no longer a tenant of the landlord.



6. I will allow the landlord's application dated 17.1.2023 with the order that the tenant is to vacate the suit premises after the expiry of sixty (60) days from today to enable the tenant relocated his business.

RULING DATED, SIGNED AND DELIVERED VIRTUALLY THIS 26TH DAY OF MAY 2023

HON. CYPRINA MUGAMBI

CHAIRPERSON

26.5.2023

In the absence of the parties

