



**Kiraithe v Murithi & 2 others (Tribunal Case 04 of 2021)  
[2023] KEBPRT 1192 (KLR) (Civ) (23 March 2023) (Ruling)**

Neutral citation: [2023] KEBPRT 1192 (KLR)

**REPUBLIC OF KENYA  
IN THE BUSINESS PREMISES RENT TRIBUNAL  
CIVIL  
TRIBUNAL CASE 04 OF 2021  
CN MUGAMBI, CHAIR  
MARCH 23, 2023**

**BETWEEN**

**STELLA GATWIRI KIRAITHE ..... TENANT**

**AND**

**CATRINE NKIROTE MURITHI ..... 1<sup>ST</sup> RESPONDENT**

**RHODA KARAMBU ..... 2<sup>ND</sup> RESPONDENT**

**LUCY KATHURE MBOBU ..... 3<sup>RD</sup> RESPONDENT**

**RULING**

1. The tenant's complaint filed on 12.1.2021 is to the effect that the Respondents have issued the tenant with an illegal notice to vacate by 21.1.2021.
2. On 23.3.2021, the Tribunal allowed the tenant's application dated 12.1.2021.
3. The only evidence available in this file is the affidavit of Stella Gatwiri Kiraithe and where relevant she has stated as follows:-

“That the Respondents issued the Applicant with an illegal notice to vacate by 21<sup>st</sup> January 2021 which is contrary to Section 4(2) of Cap 301.”
4. The tenant's affidavit does not have annexed to it the alleged notice of termination. The tenant has not stated whether the notice to terminate was oral or written or whatever form it took.
5. In the circumstances, the allegations made by the tenant in her complaint and affidavit are not supported by any material.



6. The tenant's complaint is hereby dismissed with no orders as to costs. All orders previously issued in this matter are also hereby discharged.

**RULING DATED, SIGNED AND DELIVERED VIRTUALLY THIS 23.3.2023**

**HON. CYPRIAN MUGAMBI**

**CHAIRPERSON**

**23.3.2023**

