



**Njeru & another v Namu (Tribunal Case 12 of 2021)
[2023] KEBPRT 1193 (KLR) (5 May 2023) (Ruling)**

Neutral citation: [2023] KEBPRT 1193 (KLR)

**REPUBLIC OF KENYA
IN THE BUSINESS PREMISES RENT TRIBUNAL
TRIBUNAL CASE 12 OF 2021
CN MUGAMBI, CHAIR
MAY 5, 2023**

BETWEEN

ANNA G. NJERU 1ST LANDLORD

DOMINISIANO MARETE NJERU 2ND LANDLORD

AND

DR. WILSON KIVUTI NAMU TENANT

RULING

1. The landlord's application dated 29.11.2022 seeks for orders that the Respondent/tenant be ordered to pay arrears of rent amounting to Kshs. 457,500/= and give vacant possession of the suit premises known as PLOT NO. B11/143 Meru Town. The application also seeks for an order that the OCS Meru police station does provided security and ensure that peace prevails.
2. The landlord's affidavit in support of the affidavit was sworn on 29.11.2022.
3. The landlord has deponed therein that the tenant is in rent arrears of Kshs. 457,500/= and the said tenant might vacate the premises without paying rent.
4. The landlord has further deponed that; on 17.3.2021, the parties herein entered into a consent that the tenant has failed to honour the terms of the said consent.
5. I have perused the consent dated 17.3.2021 and it was recorded in the following terms:-
 - a. The tenant to pay the outstanding rent arrears of Kshs. 320,000/= by 30th June 2021 and in any event by 30th November 2021. In default, the tenancy shall stand terminated.
 - b. The tenant to continue paying the monthly rent as and when the same falls due and on or before the 5th day of each month.



6. The landlord has indicated that the tenant failed to comply with the terms of the consent and rent continues to accumulate. From a plain reading of the consent, the tenancy between the parties was to terminate automatically if the sum of Kshs. 320,000/= was not paid by the tenant to the landlord by 30th November 2021. The tenant having failed to pay the rent as agreed, the tenancy herein came to an end by an agreement of parties.
7. That being the case, the landlord is entitled to vacant possession of the premises and consequently, I allow the landlord's application dated 29.11.2022. The tenant is to render vacant possession of the suit premises failing which he will be evicted by a licensed auctioneer.

RULING DATED, SIGNED AND DELIVERED VIRTUALLY THIS 22ND DAY OF JUNE 2023

HON. CYPRIAN MUGAMBI

CHAIRMAN

5. 5.2023

In the presence of;

Mr. Mukura ---the tenant

In the absence of the landlords

