



**Macharia v Maragara (Tribunal Case E443 of 2023)
[2023] KEBPRT 1237 (KLR) (22 June 2023) (Ruling)**

Neutral citation: [2023] KEBPRT 1237 (KLR)

**REPUBLIC OF KENYA
IN THE BUSINESS PREMISES RENT TRIBUNAL
TRIBUNAL CASE E443 OF 2023
CN MUGAMBI, CHAIR
JUNE 22, 2023**

BETWEEN

JOSEPH KINUTHIA MACHARIA LANDLORD

AND

DENNIS KINUTHIA MARAGARA TENANT

RULING

1. The landlord's application dated 28.4.2023 seeks orders that the Applicant be allowed to have the electricity supply to Githunguri Githiga/T 651/58 (the suit premises) supplied vide account No. 12055034 disconnected, an order restraining the tenant from making any other activities to the suit premises and an order of eviction against the tenant from the suit premises to be enforced by the OCS Githiga police station. The usual prayer for costs has also been included.
2. The landlord has filed an affidavit in support of his application wherein he has deponed that he leased out the suit premises to the tenant on 20.2.2021 at an agreed monthly rent of Kshs. 10,000/=. Under the said lease the tenant was to pay his electricity bills through the account of one Peter Kimani Ac No. 12055034.
3. Since taking over the premises, the tenant has failed to pay rent and electricity and is in arrears of Kshs. 260,000/= and Kshs. 158,332.58 respectively.
4. I have perused the documents filed by the landlord and I note that a notice to terminate tenancy had been issued to the tenant. The notice has an effective date of 1.4.2023 having been issued on/ dated 12.1.2023. the grounds upon which the notice has been brought are non-payment of rent and electricity.
5. I have also seen a letter dated 6.3.2023 addressed to the tenant by the landlord wherein the landlord has complained that the tenant has carried out repairs and alterations of the premises without the landlord's prior consent. The letter also reminds the tenant that he is to vacate the premises by 1.4.2023



as per the notice of termination of tenancy dated 12.1.2023. I have also seen the billing statement from Kenya Power and it supports the landlord's statement that the tenant owes electricity payments in the sum of Kshs. 158,332.58/=.

6. The landlord's application is well founded and also considering the tenant was served and never opposed the same, I do find that the same has merits and I allow the same, in terms of prayers, 2, 3, 4 and 5.

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

HON. CYPRIAN MUGAMBI

CHAIRPERSON

22.6.2023

In the presence of;

Mr. Macharia -----landlord

In the absence of the tenant

