



**Ruto v Kimetto (Tribunal Case E259 of 2024)
[2024] KEBPRT 825 (KLR) (22 May 2024) (Ruling)**

Neutral citation: [2024] KEBPRT 825 (KLR)

**REPUBLIC OF KENYA
IN THE BUSINESS PREMISES RENT TRIBUNAL
TRIBUNAL CASE E259 OF 2024
CN MUGAMBI, CHAIR
MAY 22, 2024**

BETWEEN

GILBERT KIMUTAI RUTO LANDLORD

AND

ERICK KIBET KIMETTO TENANT

RULING

1. The Landlord's Application dated 22.2.2024 seeks orders that the Landlord be granted breaking in orders for the purposes of levying distress against the Respondent and that the Tenant be ordered to render vacant possession of the suit premises known as Title No. Kericho/Karartegan/1859. The Applicant has also sought the assistance of the OCS, Karartegan police station in the enforcement of the orders sought. Costs have also been prayed for.
2. The Landlord has filed an Affidavit in support of his Application where he has deponed that the Tenant vacated the suit premises on or about May 2022, and left the same locked.
3. The Applicant has also deponed that he served the Applicant with a notice to terminate the tenancy dated 23.5.2022 and which notice took effect on 1.8.2022.
4. The Applicant has further deponed that the Tenant has not paid rent for a period of two years amounting to Kshs. 48,000/= and neither has he filed any Reference at the Tribunal in opposition to the notice to terminate his tenancy.
5. The Tenant in this matter was served with the notice to terminate tenancy dated 23.5.2023 on 6.6.2022. An affidavit of service to that effect has been filed.
6. The Tenant did not file any Reference to the Tribunal as required under Section 6(1) of Cap 301 as a consequence of which the notice to terminate the tenancy became effective from the date indicated on the notice, i.e. 1.8.2022.



7. I also note that the Tenant was served with the Application dated 22.2.2024 and an affidavit of service filed by one Mr. Vincent Jelgo. The Tenant did not file any responses to the said motion which therefore remains unopposed.
8. In the circumstances, I do find that the Landlord's Application is merited and the same is allowed as drawn. The Complaint filed by the Landlord is also allowed in the terms of the orders granted in the Applications.
9. The Tenant will bear the costs of the Applications and the Complaint.
10. This file is ordered closed.

DATED, SIGNED AND DELIVERED VIRTUALLY THIS 22ND DAY OF MAY, 2024

HON. CYPRIAN MUGAMBI

CHAIRPERSON

BUSINESS PREMISES RENT TRIBUNAL

Delivered in the presence of Mr. Kipng'eno Advocate for the Landlord/Applicant and in the absence of the Tenant

