



**Gichugu Housing Cooperative Society Limited v Muroki t/a Sunshine Veve Producers
(Tribunal Case E826 of 2024) [2024] KEBPRT 1429 (KLR) (26 September 2024) (Ruling)**

Neutral citation: [2024] KEBPRT 1429 (KLR)

**REPUBLIC OF KENYA
IN THE BUSINESS PREMISES RENT TRIBUNAL
TRIBUNAL CASE E826 OF 2024
N WAHOME, CHAIR & JOYCE MURIGI, MEMBER
SEPTEMBER 26, 2024**

BETWEEN
GICHUGU HOUSING COOPERATIVE SOCIETY LIMITED LANDLORD
AND
RIMERIA MUROKI T/A SUNSHINE VEEVE PRODUCERS TENANT

RULING

1. This Ruling is on the question of costs as all the other issues that instigated the landlord to move the court have been settled. That is to say, the tenant has settled all the rents in arrears and the landlord mercifully decided not to pursue termination of the tenancy.
2. In canvassing this question, the tenant has filed the supplementary affidavit sworn on the 9/9/2024, submissions dated 13/9/2024 and supplementary affidavit dated 17/9/2024. On its part, the landlord lodged the submissions dated 12/9/2024.
3. We have perused the parties' filings and submissions including the authorities cited and are of the view that at the face of it and indeed on application of section 27 of the [civil procedure Act](#) and the proviso thereof, that the landlord is the successful party and should ordinarily be awarded costs ensuing from these proceedings.
4. We have however also taken notice that the tenant has facilitated installation of the prepaid meter at the demised premises during the proceedings herein. There has been no rebuttal by the landlord that the prepaid meter has been installed and that it has cost the tenant Kshs. 34,750/=
5. Therefore, and for the justice of this case, we order that the costs are awarded to the landlord to the equivalent of the amount expended by the tenant in installation of the prepaid meter. That is to say, that the prepaid meter shall henceforth vest in the landlord while the tenant shall continue to settle the electricity bills as and when they accrue.



RULING DATED, SIGNED AND DELIVERED VIRTUALLY AT NAIROBI THIS 26TH DAY OF SEPTEMBER, 2024.

HON. NDEGWA WAHOME, MBS - (PANEL CHAIRPERSON)

BUSINESS PREMISES RENT TRIBUNAL

AND

HON. JOYCE MURIGI - (MEMBER)

BUSINESS PREMISES RENT TRIBUNAL

Delivered In the presence of:

Mr. Muimi for the Applicant/Respondent

M/s Mukami for the Landlord/ Applicant

