



**Cherono v Barkesen (Tribunal Case E021 of 2024)
[2024] KEBPRT 679 (KLR) (25 April 2024) (Ruling)**

Neutral citation: [2024] KEBPRT 679 (KLR)

**REPUBLIC OF KENYA
IN THE BUSINESS PREMISES RENT TRIBUNAL
TRIBUNAL CASE E021 OF 2024
CN MUGAMBI, CHAIR
APRIL 25, 2024**

BETWEEN

MELANIA CHERONO LANDLADY

AND

BARNABAS BARKESEN TENANT

RULING

1. The Landlord's Application dated 12.1.2024 seeks orders that the Landlord's notice to terminate tenancy dated 24.10.2023 be approved and the Tenant be ordered to vacate from the suit premises, known as Eld/Mun/Sinai Kimuru/Block 480. The Applicant has also sought an order allowing him to evict the Tenant from the suit premises with the help of the OCS Eldoret Central police station if the Tenant fails to vacate voluntarily.
2. The notice to terminate tenancy dated 24.10.2023 was served upon the Tenant on 25.10.2023 and an affidavit of service to that effect has been filed by one Mr. Rioba Shem Nyandieka, same is drawn on 26.10.2023.
3. I have perused the notice and the same is sworn in compliance with the requirements of Section 4 of Cap 301 and is for all intents and purposes a valid notice.
4. The Tenant was required after receipt of the notice to terminate his tenancy to notify the landlord in writing whether or not he agrees to comply with the notice. He was further required under Section 6(1) of Cap 301 to refer the matter to the Tribunal whereupon the notice would be of no effect until the Tenant's Reference is determined by the Tribunal.
5. The Tenant In this matter did not notify the Landlord whether or not he agreed to comply with the notice, neither did the Tenant file any Reference to the Tribunal in objecting to the Landlord's notice to terminate tenancy.



The consequence of this omission by the Tenant is that the notice to terminate the tenancy became effective from 1.1.2024 being the date therein specified under the provisions of Section 10 of Cap 301 of the Laws of Kenya.

6. In view of the foregoing, I do order that;-

- a. The Landlord's Application has merits and I allow the same. The Landlord's notice to terminate tenancy is approved.
- b. That the tenancy herein terminated on 1.1.2024.
- c. That the Tenant shall render vacant possession of the suit premises within the next thirty (30) days from the date of this Ruling failing which the Landlord will be at liberty to forcefully evict the Tenant using a licensed auctioneer.
- d. The Tenant will pay all outstanding rent arrears.
- e. The OCS Eldoret Central police station will ensure compliance with these orders and maintain the peace during the execution of the orders.
- f. That the Tenant will bear the costs of this Application and Complaint.
- g. That the Landlord's Complaint dated 12.2.2024 is determined in terms of the orders set out above and this file is marked closed.

RULING DATED, SIGNED AND DELIVERED VIRTUALLY THIS 25TH DAY OF APRIL, 2024.

HON. CYPRIAN MUGAMBI

CHAIRPERSON

BUSINESS PREMISES RENT TRIBUNAL

Delivered in the presence of Mr. Ogutu for the Landlord and in the absence of the Tenant

