



Ali v Ahmed (Tribunal Case E056 of 2023) [2023] KEBPRT 1218 (KLR) (19 July 2023) (Ruling)

Neutral citation: [2023] KEBPRT 1218 (KLR)

REPUBLIC OF KENYA
IN THE BUSINESS PREMISES RENT TRIBUNAL
TRIBUNAL CASE E056 OF 2023
CN MUGAMBI, CHAIR
JULY 19, 2023

BETWEEN

ALI SHARIFF ALWY ALI TENANT

AND

MOHAMED IBRAHIM AHMED LANDLORD

RULING

1. On 9/5/2023, the Tenant's application dated 14.3.2023 was allowed and the parties ordered to comply with order 11 of the [Civil Procedure Rules](#) within thirty (30) days of the ruling.
2. On 14.6.2023, when this matter came up for mention, the tenant sought to rely on his affidavits and statement in support of his complaint and the Tribunal set down the matter for ruling on that basis on 19.7.2023.
3. The landlord has all along not participated in these proceedings.
4. The tenant's complaint filed and dated 14.3.2023 is to the effect that the landlord has unlawfully and without any justification whatsoever, deliberately issued a notice to vacate the suit premises to the tenant's wife.
5. The notice the tenant complains of is the landlord's notice to terminate the tenancy on premises, Plot No. 282/XVII Mombasa on the grounds that upon termination the landlord intends to occupy the said shop. The notice is addressed to one Swabah Abdallah Hassan and on the face of it, it is a valid notice.
6. The tenant and Swabah Abdallah are the registered proprietors of the business known as AL Moody Store at Plot No. 283/XXVI Mombasa. This premises is certainly different from plot No. 282/XVII in respect of which the landlord has issued a notice to terminate tenancy. No notice to terminate tenancy has been issued on account of Plot No. 283/XXVI Mombasa wherein the tenant and Swabah Abdallah carry on business.



7. The notice to terminate tenancy has got nothing to do with the tenant herein and cannot apply to him nor can it be enforced against him. The tenant has not demonstrated the relationship between him and Swabah Abdallah and plot No. 282/XVII Mombasa.
8. For these reasons, I do not find any merits in the complaint filed by the tenant and the same is dismissed with no orders as to costs.

RULING DATED, SIGNED AND DELIVERED VIRTUALLY THIS 19TH DAY OF JULY 2023.

HON. CYPRIAN MUGAMBI

CHAIRPERSON

19.7.2023

In the absence of the parties

