



**Ng'ang'a & 2 others v Sil Vernarrow Limited (Tribunal Case
E443 of 2024) [2024] KEBPRT 1228 (KLR) (14 August 2024) (Ruling)**

Neutral citation: [2024] KEBPRT 1228 (KLR)

**REPUBLIC OF KENYA
IN THE BUSINESS PREMISES RENT TRIBUNAL
TRIBUNAL CASE E443 OF 2024
CN MUGAMBI, CHAIR
AUGUST 14, 2024**

BETWEEN

FELISTAS GATHONI NG'ANG'A 1ST APPLICANT

DAVID KYALO 2ND APPLICANT

ANNETTE OBUNGU 3RD APPLICANT

AND

SIL VERNARROW LIMITED RESPONDENT

RULING

1. On 06.06.2024, I delivered a ruling in this matter and directed the Respondent to file a further affidavit and annex to it the lease agreement between the parties. The Respondent complied by filing its affidavit sworn on 12.6.2024.
2. I have perused the lease agreement between the parties and I do note that the same provides for a lease period of six (6) years which is well outside the jurisdiction of the Tribunal.
3. A controlled tenancy under Cap 301 of the Laws of Kenya means a tenancy of a shop, hotel or catering establishment;
 - a. Which has not been reduced into writing or
 - b. Which has been reduced into writing and which
 - i. Is for a period not exceeding five (5) years or
 - ii. Contains provisions for termination otherwise than for breach of contract within five (5) years from the commencement thereof or
 - iii. Relates to premises of a class specified under subsection (2) of this Act.



4. From the above definition, it is therefore clear that the tenancy between the 2nd Applicant and the Respondent does not amount to a controlled tenancy and the Tribunal therefore lacks the jurisdiction to hear and determine this dispute.
5. I do note from the record that on 2.5.2024 the 1st Tenant/Applicant withdrew her complaint against the Respondent. In view of that withdrawal and my finding on jurisdiction above, the 2nd Tenant's complaint and Application (as far as relevant to her) are hereby dismissed for want of jurisdiction. The 2nd Tenant will bear the costs of the Complaint and the Application.

DATED, SIGNED AND DELIVERED VIRTUALLY THIS 14TH DAY OF AUGUST, 2024

HON. CYPRIAN MUGAMBI - CHAIRPERSON

BUSINESS PREMISES RENT TRIBUNAL

Delivered in the presence of Ms. Gichuru for the Respondent and in the absence of the Tenant/Applicant

Court: The Application by the 3rd Tenant will proceed for hearing on 17.9.2024. Hearing notice to issue

