



REPUBLIC OF KENYA

BUSINESS PREMISES RENT TRIBUNAL

TRIBUNAL CASE NO E094 OF 2021 (NAIROBI)

DEVINDER SINGH MATHARU.....LANDLORD/APPLICANT

VERSUS

STEVE BIKO OKUMU.....TENANT/RESPONDENT

RULING

The Landlord's application dated **29th April 2021** seeks the following orders;

1. Spent.
2. That the honourable Tribunal be pleased to grant leave to the "Plaintiff" Applicant to break into the suit premises and attach the proclaimed goods against the Defendants/Respondents in order to recover the outstanding arrears of **Kshs 150,000/-** as at **March 2021**.
3. That the honourable Tribunal be pleased to grant an order for vacant possession.
4. That the OCS Industrial Area Police Station/Area Chief/Tribunal Officer to ensure compliance with the orders.
5. Costs
6. Any other orders the Tribunal may deem necessary to grant.

The grounds upon which the application is brought and the affidavit in support thereof may be summarized as follows;

1. That the Respondent has been the Applicant's Tenant on LR No. 209/9381/1 Godown No. 13 Lunga Lunga Road at a monthly rent of **Kshs 50,000/-**.
2. That the Tenant has for four months not been seen at the demised premises.
3. That the Tenant is in rent arrears amounting to **Kshs 150,000** as at **March 2021**.
4. That attempts by fantasy Auctioneers to collect the goods of the Tenant already proclaimed have been unsuccessful as the premises are locked.
5. That the Applicant is servicing a bank loan and risks losing the property for failure to remit monthly payments.

The application is not opposed. The Respondent has been served and the affidavit of service in proof of said service has been filed by one Robert Mutuku. The Process Server attempted to physically serve the Respondent a record five times to no avail. He had no choice but to pin the documents on the door of the demised premises. The Auctioneers have also indicated that they are unable to access the demised premises since they are continually locked. No one seems to know where the Tenant vanished to, including the watchman manning the gate. I am satisfied that service was proper.

In the circumstances, I allow the Landlord's application in terms of prayer 2, 4 and 5 of the said application. Further, an inventory of the goods in the premises to be prepared by the Auctioneers in the presence of the Landlord and the OCS Industrial Area Police Station or his representative.

The Auctioneer is to file with the Tribunal an account of the sale of the proclaimed goods within seven days after the said sale (if any)

HON. CYPRIAN MUGAMBI NGUTHARI

CHAIRMAN

BUSINESS PREMISES RENT TRIBUNAL

Ruling read and delivered virtually by **Hon Cyprian Mugambi Nguthari** this **3rd day of August 2021** in the absence of the parties.

HON. CYPRIAN MUGAMBI NGUTHARI

CHAIRMAN

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