



REPUBLIC OF KENYA

BUSINESS PREMISES RENT TRIBUNAL

VIEW PARK TOWERS 7TH & 8TH FLOOR

TRIBUNAL CASE NO. 41 OF 2016 (NAKURU)

JAMES MAINA KIARIE.....TENANT/ APPLICANT

VERSUS

NJENGA GACHEGUA KIBE.....1ST RESPONDENT/LANDLORD

STEMA INSURANCE & GENERAL AGENCIES.....2ND RESPONDENT/AGENT

JUDGMENT

1. The Landlord served a notice of increment of rent in respect of premises known as NJORO/NJORO 519/106 (NJORO TOWN) shop No. 4 from Kshs.4000/- to Kshs.10,000/- per month.
2. The Tenant filed a Reference to oppose the said notice.
3. On 14th June 2019, the parties were ordered to file their respective valuation reports.
4. A report by CHRISCA REAL ESTATES dated 5th September 2019 was filed by the Landlord recommending a monthly rent of Kshs.12,000/- at the rate of Kshs.50/- per sq ft per month and a lettable space of 241 sq. feet.
5. The said report is based on 4 comparables with rates ranging between 45-62 per Sq. feet per month.
6. On the other hand the Tenant filed a report for KERIASEL & CO. LTD dated 31st January 2020 recommending a monthly rent of Kshs.7000/- based on Kshs.29/- per Sq. ft after considering 3 comparables, the lettable area is 241 sq feet.
7. The current rent for the Tenant from the year 2015 is Kshs.6000/- per month.
8. The Landlord's notice was to take effect on 1st August 2016. Unfortunately the case has delayed in court since 2016 due to factors beyond the control of both parties.
9. In the premises and in view of the fact that the Landlord's assessment was done almost 2 years ago, it will be unfair to rely on the Tenant's valuation.
10. This is moreso given the rate of inflation and the need to compensate him for his investment.
11. I shall therefore fix the rent payable at Kshs.10,000/- per month which shall be payable with effect from July 2021.
12. I award the Landlord costs of Kshs.15,000/- against the Tenant.

It is so ordered.

HON. GAKUHI CHEGE

VICE CHAIR

BUSINESS PREMISES RENT TRIBUNAL

JUDGMENT DATED, SIGNED & DELIVERED THIS ...18TH DAY OF ...JUNE.. 2021.

HON. GAKUHI CHEGE

VICE CHAIR

BUSINESS PREMISES RENT TRIBUNAL

In the absence of the parties