

REPUBLIC OF KENYA

BUSINESS PREMISES RENT TRIBUNAL

TRIBUNAL CASE NO 1035 OF 2020 (NAIROBI)

THE BOARD OF TRUSTEES

NATIONAL SECURITY FUND.....LANDLORD/APPLICANT

VERSUS

CALYPSO ENTERPRENUERSHIP LIMITED.....TENANT/RESPONDENT

RULING

The Tenant/Respondent herein has filed a notice of preliminary objection dated **14th January 2021** in the following terms;

1. That the honourable Tribunal lacks the jurisdiction to hear and determine this matter.

When the matter came up on **11th February 2021**, Mr Karanja appeared for the Landlord/Applicant and Mr Charles Madonso for the Tenant/Respondent. The parties agreed to argue the preliminary objection by way of written submissions. As at the time of writing this ruling only counsel for the Landlord had filed their submissions. Perhaps, I may as well point out that the Tenant/Respondent has not filed any pleadings in this matter. The basis for his preliminary objection remains unknown, factually and legally.

I have read the submissions of counsel for the Landlord. I have also read through the lease between the parties herein. I note that the lease is for a period of six years from **1st October 2015** to **30th September 2021**. I have not seen any clause in the lease agreement which provides for termination otherwise than for breach of covenant, within **five (5) years** from the commencement thereof. The lease agreement being in writing and being for a period exceeding five years, this Tribunal has no jurisdiction to hear and determine this dispute.

The notice of preliminary objection dated **14th January 2021** is upheld with costs to the Tenant. The complaint dated **22nd December 2020** is dismissed.

CYPRIAN MUGAMBI NGUTHARI

CHAIRMAN

BUSINESS PREMISES RENT TRIBUNAL

Court:

Ruling signed and delivered **virtually** by **Hon Cyprian Mugambi Nguthari** this **7th** day of **April, 2021** in the presence of **Miss Karanja** for the **Landlord** and in the absence of the counsel for the Tenant.

CYPRIAN MUGAMBI NGUTHARI

CHAIRMAN

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