



REPUBLIC OF KENYA



KENYA LAW
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Wanjiku v Maina t/a Mwanzo Properties & Management (Tribunal Case E159 of 2023) [2023] KERRT 1187 (KLR) (Civ) (14 April 2023) (Judgment)

Neutral citation: [2023] KERRT 1187 (KLR)

**REPUBLIC OF KENYA
IN THE RENT RESTRICTION TRIBUNAL
CIVIL
TRIBUNAL CASE E159 OF 2023
HK KORIR, CHAIR
APRIL 14, 2023**

BETWEEN

SUSAN WANJIKU PLAINTIFF

AND

**JANEPHER MAINA T/A MWANZO PROPERTIES &
MANAGEMENT DEFENDANT**

JUDGMENT

1. By a plaint dated 2nd February, 2023 the Plaintiff prayed for orders for refund of Kshs 15,000/- rent deposit and an extra amount of Kshs. 14,000/- rent for December 2022 as she was allegedly evicted in the first week of December while she was admitted in hospital.
2. It was the Plaintiff's testimony that she had paid rent up to November, 2022 but also paid December rent while unaware that she had been evicted.
3. The Plaintiff called PW2 Cyrus Sila Mutiso who testified that he was hired by the Plaintiff to move her belongings to a new house. That some of the Plaintiff's goods were damaged in the course of moving out.
4. The Defendant on his part denied evicting the Tenant stating that she vacated on her own volition leaving the premises in dire state of repairs. That later on an artisan was called to provide an estimate which was found to be Kshs 29,000/- and the Plaintiff was notified.
5. That the Plaintiff agreed for the repairs to be offset from the deposit held of Kshs 15,000/- and was to top up Kshs 14,000/- to make it Kshs 29,000/- which she did.
6. After completion of the repairs the premises were let out to another tenant.



7. Under intense cross examination the Plaintiff agreed that the premises required some repairs to the door, window panes, painting and a cistern toilet but did not provide an estimate report merely stating that it should have costed not more than Kshs 9,700/-.
8. She also agreed that the purpose of the deposit is to undertake the repairs.
9. In the absence of an inspection report to the contrary the Tribunal finds that the Plaintiff has failed to proof her case to the required standards in law.
10. Accordingly, the Defendants position is upheld and the Plaintiff's case dismissed with no orders as to costs.

JUDGEMENT ISSUED IN CHAMBERS THIS 14TH DAY OF APRIL, 2023 IN ACCORDANCE WITH THE COVID-19 PRACTICE RULES.

Certified copies of the Judgement to be issued to both parties.

SIGNED

HILLARY K. KORIR - CHAIRMAN

RENT RESTRICTION TRIBUNAL

