

KENYA / JUDGMENT

Wandaka v Kinyanjui [2026] KEBPRT 22 (KLR)

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COURT

Business Premises Rent Tribunal

BEFORE

CN Mugambi

CASE / FILE NUMBER

Tribunal Case E930 of 2025

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Wandaka v Kinyanjui (Tribunal Case E930 of 2025) [2026] KEBPRT 22 (KLR) (9 February 2026)
(Ruling)

Neutral citation:

[2026] KEBPRT 22 (KLR)

Republic of Kenya

In the Business Premises Rent Tribunal

Tribunal Case E930 of 2025

CN Mugambi, Chair

February 9, 2026

Between

Isabella Waruinu Wandaka

Applicant

and

Doris Nduta Kinyanjui

Respondent

Ruling

Introduction

1.The Landlord's Application dated 25.8.2025 seeks for orders that pending the hearing and determination of the Reference, the Tenant/Respondent be restrained from permitting or causing loud noise beyond licensed hours and beyond permissible levels within the suit premises and the common arears, indecent conduct and from interfering with the quiet enjoyment of other Tenants and neighbouring residents.

2.The Landlord has also sought an order for a termination of the tenancy agreement and costs of the Application.

The Landlord's depositions

3.The Landlady in her affidavit in support of the Application has deponed that on 27.4.2025 she entered into a lease agreement with the Tenant over plot No. L.R. 39/4 Plot No. 588 and further that the Tenant runs a wines and spirits business in the suit premises.

4.The Landlady depones in her affidavit that the Tenant has through her customers, caused persistent nuisance in the suit premises by way of loud noise and late unlicensed hours and also displayed acts of common indecency that has led to the Tenants of adjoining premises to complain.

5.It is further deponed that the Tenant's premises is located opposite a school and exposes minors to the public indecency outside the Tenant's business premises and which is not in the best interests of the minors.

6.The Landlady further depones that other Tenants have threatened to vacate the premises since the area has become unconducive.

The Tenant's depositions

7.In her replying affidavit sworn on 16.10.2025 the Tenant has confirmed the fact of the tenancy between herself and the Landlady/Applicant and has also deponed that her business operates lawfully and in full compliance with all statutory requirements including holding a valid permit and liquor license.

8.In regard to the allegations of noise levels and the keeping of late unlicensed hours, the Tenant has responded by deponing that no report has been filed by the Landlady to any of the authorities concerned with such matters, complaining of the Tenants wrong doing.

9.The Tenant further depones that in the absence of any formal report or findings from the relevant authorities such as NEMA and/or the Nairobi City County, the Landlady lacks the legal capacity and expertise to determine that the Tenant's business is a service of noise pollution and/or even to bring the present application.

10.The Tenant also depones that he has not received any neither is he aware of any complaints by the other Tenants in respect to the complaints by the Landlady and if any such complaints have been received, no evidence of that existence has been demonstrated.

11.The Tenant further depones that the photographs annexed to the Landlady's affidavit do not demonstrate any evidence of disturbance or indecent conduct or nuisance by the customers of the Tenant as alleged.

Analysis and Determination

12.The only issue that arises for determination in this Application is whether the Landlady is entitled to the orders sought in her Application.

13.The Landlady's Application seeks orders that the Tenant be restrained from continuing, carrying on acts namely, noise above the permitted levels and the keeping of late and to unlicensed hours of business and an order restraining the Tenant through her Tenants from continued acts of indecency.

14.I do agree with the Tenant that complaints of the nature that the Landlady complains of ought to be made to the authorities that have the mandate to deal with such complaints. In this regard, a complaint or complaints about noise levels ought to have been made to the National Environment & Management Authority and the Complaints about unlicensed hours ought to have been made to the licensing authorities.

15.As things stand, there is no material placed before the Tribunal to indicate the noise levels and I also agree with the Tenant that the photographs annexed to the Landlady's affidavit do not demonstrate or prove the acts complained of. In any event, the Tribunal does not have the capacity to deal with such complaints as opined in the foregoing photographs.

16.The Landlady has also applied for an order that the Tribunal terminates the tenancy between the parties. The tenancy relationship between the parties being a controlled tenancy, the Landlady is required to issue the mandatory notice to terminate tenancy under Section 4(20 of the Act. This, the Landlady has not done and the Tribunal therefore has no basis upon which to terminate the tenancy.

17.In the circumstances, I do not find any merits in the Application and the same is hereby dismissed with costs to the Tenant.

DATED, SIGNED AND DELIVERED VIRTUALLY AT NAIROBI THIS 9TH DAY OF FEBRUARY, 2026
HON. CYPRIAN MUGAMBICHAIRPERSONBUSINESS PREMISES RENT TRIBUNAL
Delivered in the presence of Ms. Chepkonywo for the Tenant and in the absence of the Landlady and Counsel
COURT: Mention for directions on the Reference on 14.4.2026

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Prepared on 29 October 2026 · Esheria