Landlord Reply on Lease Expiry Arrears and Tribunal Orders

Educational sample 292 | Mombasa

Educational reconstruction from a reported Kenyan decision. Newly drafted wording, not an original court filing or a matter handled by our team. Specimen identities are bracketed. Adapt to genuine facts, current law, jurisdiction and court directions before signing, swearing or filing.

Reconstructed formal document

REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT MOMBASA

ENVIRONMENT AND LAND CASE NO [reference]

[TENANT PLAINTIFF] v [LANDLORD DEFENDANT AND RESPONDENT]

AFFIDAVIT

1. I am [landlord or authorised deponent]. I identify the signed lease, payment records and certified Tribunal orders on which I rely. Facts outside my knowledge are attributed to their actual documentary or named information source.

2. The lease began on [date], specified monthly rent of [amount] and a fixed term ending on [date]. The relevant clauses and any valid extension or later agreement are [identify]. I disclose, rather than omit, any genuine renewal or variation.

3. Rent received is shown in the annexed ledger reconciled to [bank or receipt records]. The claimed arrears period is [period], less all actual payments and contractual credits. The accounting does not treat unsupported auctioneer or legal charges as rent.

4. The tenant alleged waiver after disruption is answered by [genuine correspondence and knowledge]. I do not merely claim that no waiver exists if the records show otherwise. Disputed conversations and written terms are separately identified.

5. The earlier Tribunal proceedings concerned [relief and issue]. The certified ruling and known appeal or review status are [exhibits]. I identify the overlap for the Court determination and do not swear a legal conclusion that every new issue is barred.

6. The present enforcement steps and auctioneer documents are [details]. I request that the motion be determined on the actual lease, account and prior record. Further legal argument on res judicata and injunction principles will be addressed separately.

SWORN by [deponent] at [place] on [date]. Signature [ ]. BEFORE ME [competent authorised oath administrator]. This specimen has not been sworn.

Use and evidence notes

Complete the deponent identity, authority and actual personal-knowledge or identified-information basis. Index and authenticate genuine exhibits; missing exhibits are not supplied by this text. An affidavit is evidence, not a vehicle for new unpleaded relief or invented expert conclusions. Obtain any required leave for a further affidavit and complete a valid jurat before a competent authorised person. This specimen is unsworn.

Supporting material: [date]; [author or custodian]; [description]; [bundle page]; [authenticating witness]; [admission or permission]. Attach genuine records only. This public specimen contains no exhibits, signatures, personal identifiers or sworn declaration.

Source and procedural limits

A car-wash tenant sought an injunction against distress for claimed rent arrears of Kshs 3,840,000 plus Kshs 960,000 charges. He alleged a rent waiver after county demolition. The landlord relied on a monthly rent of Kshs 160,000, expiry of the lease in June 2024 and an earlier Business Premises Rent Tribunal ruling.

The Court found no exhibited waiver or proved basis for the claimed reduction. It held the lease had expired and the issues had already been litigated before the Tribunal. The motion and entire suit were struck out with costs to the landlord.

This is an unsuccessful fresh injunction, not authority to repeat a finally determined reference. Distress, possession, disputed rent accounting and a challenge to a Tribunal order are distinct procedural issues. Obtain the prior record and assess res judicata, limitation, appeal or review route and actual jurisdiction. Do not fabricate a rent waiver or assume business interruption automatically cancels rent.

[2025] KEELC 6191 (KLR) - 25 September 2025. Source decision: https://sheriahub.com/cases/ke/caselaw/bayusuf-v-nyale-2025-keelc-6191-klr

Reproduced primary text checked: https://sheriahub.com/cases/ke/caselaw/bayusuf-v-nyale-2025-keelc-6191-klr

The original decision may identify participants. The specimen brackets identifying details. A source judgment does not prove this reconstruction was filed, an allegation succeeded, a later order remains unchanged or the same result will follow in another case.