Car Wash Rent Waiver Dispute Payment and Distress Schedule

Educational sample 294 | 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]

EVIDENCE OR COMPUTATION SCHEDULE

1. This schedule reconciles the tenant and landlord accounts without deciding whether a waiver was agreed or enforcement is lawful. It separates rent, payments, proposed credits and auctioneer or legal charges.

2. For each rent period enter [contractual amount], [due date], [actual payment and reference] and [balance]. At Kshs 160,000 per month, twenty-four unpaid months arithmetically total Kshs 3,840,000; the actual months and credits must still be proved.

3. For each alleged waiver insert the precise period, alleged agreement date, parties, terms and supporting document or witness. The absence of proved waiver evidence is expressly marked. County demolition or interruption alone is not entered as a rent credit.

4. Distress entries identify the proclamation, inventory, notice, proposed sale date and charges basis. The Kshs 960,000 charges asserted in the source are not added as automatically recoverable rent or copied into a new claim without lawful justification.

5. The procedural column identifies the prior Tribunal decision, relief granted or refused, and actual review or appeal status. Lease expiry is separately recorded from the calculation of arrears and the question of entitlement to remain.

6. The final reconciliation shows each party position, the agreed sum if any and the remaining disputed items. It supports genuine evidence and settlement or competent proceedings, not another injunction that conceals an adverse prior ruling.

DATED at [place] on [date]. Signed [party or advocate]. DRAWN AND FILED BY [name and address for service]. TO BE SERVED UPON [each affected person and address].

Use and evidence notes

This is an evidential or accounting aid, not an originating process or independent proof. Give dates, authors or custodians, admissibility status, actual document pages and transparent calculations. Label missing and disputed items. Obtain the applicable leave or directions for supplementary evidence, serve it and prevent duplicate credits or recovery.

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.