

**LANDLORD AND TENANT (SHOPS, HOTELS  
AND CATERING ESTABLISHMENTS) (TRIBUNAL)  
(FORMS AND PROCEDURE) REGULATIONS, 1966**

[L.N. 19/1966, Corr. No. 27/1966, L.N. 31/1968, Corr. No. 68/1971, L.N. 153/1971,  
L.N. 229/1971, L.N. 48/1973, L.N. 420/1991, L.N. 536/1991, L.N. 104/1993.]

1. These Regulations may be cited as the Landlord and Tenant (Shops, Hotels and Catering Establishments)(Tribunal)(Forms and Procedure) Regulations, 1966.

2. In these Regulations unless the context otherwise requires—

“**chairman**” means the chairman of the Tribunal;

“**clerk**” means the clerk to the Tribunal;

“**register**” means the register required to be prepared in accordance with regulation 11 of these Regulations.

3. Except as hereinafter provided, the forms to be used in proceedings before the Tribunal shall be the forms used in Subordinate Courts from time to time with such modification as may be necessary or proper to adapt the same to the matter concerned.

(1) A notice under section 4(2) of the Act by a landlord shall be in Form A in the Schedule to these Regulations.

(2) A notice under section 4(3) of the Act by a tenant shall be in Form A1 in the Schedule to these Regulations.

[L.N. 153/1971.]

5. Reference to the Tribunal under section 6(1) or section 12(4) of the Act shall be in Forms B and C in the Schedule to these Regulations.

6. The fees specified in Form D in the Schedule to these Regulations shall be payable in proceedings before the Tribunal:

Provided that the Tribunal may, in its discretion, for sufficient reasons, remit in whole or in part any fee.

7. A hearing notice issued by the Tribunal shall be in Form E in the Schedule to these Regulations.

8. A prohibition order issued by the Tribunal shall be in Form F in the Schedule to these Regulations.

**9.** An authority to inspect or view any premises issued by the Tribunal shall be in Form G in the Schedule to these Regulations.

**10.** A certificate permitting the levy of distress for rent issued by the Tribunal shall be in Form H in the Schedule to these Regulations.

**11.** The Tribunal shall cause to be prepared a register containing with regard to any reference before the Tribunal the following particulars—

- (a) date of reference or application;
- (b) the serial number;
- (c) the names of the applicant and other parties;

- (d) the relief sought by the applicant and identifying details of the premises affected; and
- (e) the final determination or order and the date thereof.

**12.** Where any tenancy dispute exists, the party desirous of referring such dispute to the Tribunal shall make an application to the Tribunal in the appropriate form in the Schedule to these Regulations, and the Tribunal shall thereupon take cognizance of the dispute and register the dispute in the register.

**13.** The clerk shall, after charging the appropriate fee, open a case file and shall record the particulars in the register.

**14.** The clerk shall fix a hearing date which shall not be earlier than seven days from the date of registration; and in fixing the hearing date due regard shall be had to the place of residence of the respondent and the time necessary for the service of the hearing notice, and the hearing date shall be so fixed as to allow the respondent sufficient time to enable him to appear on such day:

Provided that where the parties are immediately available, a reference may be set down for hearing at an earlier date.

**15.** The clerk shall prepare a hearing notice in the prescribed form and effect service on both the applicant and the respondent in the manner regulating the issue and service of summons under rules made under the Civil Procedure Act (Cap. 21).

[L.N. 153/1971.]

**15A.** When a witness is required to appear before the Tribunal the clerk shall prepare a witness summons in Form I in the Schedule to these Regulations and effect service on the witness in accordance with regulation 15 of these Regulations.

[L.N. 153/1971.]

**16.** The Tribunal shall have the same powers as are invested in a court when trying a suit under the Civil Procedure (Revised) Rules in respect of the following matters—

- (a) appearance of parties and consequences of non-appearance;
- (b) enforcing the attendance of any person and examining him on oath or affirmation;
- (c) compelling the production of a document; and
- (d) issuing commissions for the examination of witnesses and any proceedings before the Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 108, 109, 112, 113, 114, 115, 116, and 121 of the Penal Code (Cap. 63).

**17.** At any hearing before the Tribunal a party may be represented by a counsel.

**18.** In awarding costs and assessing expenses of witnesses, the chairman shall have regard to the appropriate scale prescribed under the Advocates Remuneration Order (Cap. 16, Sub. Leg).

(1) In every reference to the Tribunal, the chairman shall record the decision of the Tribunal and the following particulars—

- (a) the date of the reference;
- (b) names of the applicant and respondent;
- (c) a record of the evidence;
- (d) date of hearing and whether premises were viewed or not;

- (e) the composition of the Tribunal; and
- (f) the application and any other documentary exhibits shall be attached to the record.

(2) At the conclusion of every reference the Tribunal shall make a determination or order to be served on the persons affected by the decision and such determination or order shall be conclusive proof of the decision of the Tribunal.

**20.** Proceedings of the Tribunal shall be open to the public.

(1) Where the Tribunal consists of more than one person, the members present shall, if the chairman is absent, elect one of their number to act as chairman of the Tribunal.

(2) Where the Tribunal consists of two members who arrive at different findings, the decision of the chairman or the acting chairman, as the case may be, shall be the decision of the Tribunal.

(3) Where the Tribunal consists of more than two persons, the decision of the Tribunal shall be the decision of the majority of the members present.

[L.N. 229/1971.]

**22.** Deleted by L.N. 229/1971.

**23.** Deleted by L.N. 229/1971.

**24.** Deleted by L.N. 229/1971.

**25.** Deleted by L.N. 229/1971.

**26.** Deleted by L.N. 229/1971.

**27.** Deleted by L.N. 229/1971.

**28.** Deleted by L.N. 229/1971.

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## SCHEDULE

FORM A

(r. 4(1))

[Section 4(2) of the Act, L.N. 31/1968, L.N. 153/1971.]

### LANDLORD'S NOTICE TO TERMINATE OR ALTER TERMS OF TENANCY

To .....  
of .....  
being tenant of premises known as .....

1. I, .....  
of .....  
the landlord of the above-mentioned premises, hereby give you notice terminating/altering  
terms/altering conditions/of your tenancy with effect from .....  
day of ....., 20 .....

2. The alterations which I propose are .....  
.....  
.....

SCHEDULE, FORM A—*continued*

3. The grounds on which I seek the termination/alteration are .....
4. I require you, within one month after receipt of this notice, to notify me in writing whether or not you agree to comply with the notice as from that date.
5. This notice is given under the provisions of section 4(2) of the Landlord and Tenant (Shops, Hotels and Catering Establishments) Act.

Dated this ..... day of ....., 20 .....

.....  
*Landlord*

FORM A1

(r. 4(2))

[Section 4(3) of the Act, Corr. No. 68/1971, L.N. 153/1971.]

TENANT'S NOTICE TO OBTAIN REASSESSMENT OF RENT OR ALTERATION OF  
TERMS OR CONDITIONS OF TENANCY

To .....  
of .....  
being landlord of premises known as .....

1. I, .....  
or .....  
being tenant of the above-mentioned premises do hereby give you notice that I wish to obtain a reassessment of rent/alteration of terms/alteration of conditions of my tenancy with effect from ..  
..... day of ....., 20 .....

2. The alterations which I propose are .....

3. The grounds on which I seek the reassessment/alteration are .....

4. I require you, within one month after receipt of this notice, to notify me in writing whether or not you agree to comply with the notice as from that date.
5. This notice is given under the provisions of section 4(3) of the Landlord and Tenant (Shops, Hotels and Catering Establishments) Act.

Dated this ..... day of ....., 20 .....

.....  
*Tenant*

c.c. The Chairman,  
Business Premises Rent Control Tribunal,  
P.O. Box 7232, Nairobi.

SCHEDULE—continued

FORM B

(r. 5)

[Section 6 of the Act.]

REFERENCE BY TENANT TO TRIBUNAL

In the Tribunal at .....  
Tribunal Case No. ...., 20 .....  
..... Applicant

and

..... Respondent

I, .....  
the tenant do wish to oppose a notice of termination/alteration of terms/alteration of conditions/of  
tenancy served on me by ..... the  
landlord in respect of the premises described below—

Plot No. .... Land Ref. No. ....

District ..... Town .....

Name of road/street .....

Date of completion of building .....

Cost of construction of building .....

Cost of land .....

Area of land .....

Full name and postal address of the landlord .....

.....

.....

.....

I therefore request the Tribunal to investigate the matter and determine the issues involved.

Dated this ..... day of ....., 20 .....

Tenant

FORM B1

(r. 5)

[Section 6 of the Act, L.N. 48/1973.]

REFERENCE BY LANDLORD TO TRIBUNAL

In the Tribunal at .....  
Tribunal Case No. .... of 20 .....  
..... Applicant/Landlord

and

..... Respondent/Tenant

I, ..... of  
..... the  
Landlord do wish to oppose a notice to obtain reassessment of rent/alteration of terms/alteration of  
conditions/of tenancy served on me by .....

..... the tenant in respect of the premises described below—

Plot No. .... Land Ref. No. ....

## SCHEDULE, FORM B1—continued

District ..... Town.....

Name of Road/Street .....

Date of completion of building .....

Cost of construction of building .....

Cost of land .....

Area of land .....

Full name and postal address of the tenant .....

I therefore request the Tribunal to investigate the matter and determine the issues involved.

Dated this ..... day of ..... , 20 .....

Landlord

## FORM C (r. 5)

FORM C (r. 5)

[Section 12(4).]

## REFERENCE BY LANDLORD OR TENANT TO TRIBUNAL

In the Tribunal at .....  
Tribunal Case No. .... of 20 .....  
I, ....., the tenant/landlord  
of .....

in accordance with the provisions of section 12(4) of the Landlord and Tenant (Shops, Hotels and Catering Establishments) Act, do hereby refer to the Tribunal a complaint relating to ..... tenancy.

The complaint concerns the landlord/tenant in that he .....

(state reasons briefly)

Dated this ..... day of ....., 20 .....

Landlord/Tenant

## FORM D (r. 6)

FORM D (r. 6)

[L.N. 420/1991, s. 2, L.N. 536/1991, s. 2, L.N. 104/1993, s. 2.]

## FEES

	KSh.
1. On filling a notice of motion or chamber summons .....	500
2. On application for distress for rent, where the sum involved is—	
(i) up to KSh. 1,000 .....	250



SCHEDULE, FORM D—*continued*

	<i>KSh.</i>
(ii) more than KSh. 1,000 but less than KSh. 5,000 .....	500
(iii) over KSh. 5,000 .....	10 per cent of the amount claimed
3. On instituting proceedings for alteration of tenancy .....	5 per cent of the annual increment of rent
4. On instituting proceeding for termination of tenancy .....	5 per cent of the annual rent
5. Valuation fee .....	5 per cent of the annual rent
6. Inspecting or viewing premises at the request of a party .....	500
7. For making certified copy of proceedings or any document connected with the complaint—	
(i) for the first folio of 100 words .....	100
(ii) for each subsequent folio .....	50
8. For issue of hearing notice .....	100
9. For issue of witness summons .....	100
10. Services fees—	
(i) within 2 km .....	50
(ii) over 2 km up to 10 km .....	250
(iii) over 10 km .....	20 per km
11. On deposit of money with Tribunal .....	10 per cent of the sum deposited
12. For every exhibit produced .....	30
13. On filing of notice of appointment or change of advocate or intention to proceed in person .....	50
14. On request for adjournment .....	500
15. On filing of valuation report .....	5 per cent of the annual rent
16. For all tribunal forms .....	20
17. Evidence in short-hand at the request of party .....	200
18. On grant of orders for consent judgment .....	250
19. For every application under order XXV of the Civil Procedure Rules (Cap. 21, Sub. Leg.) .....	250
20. Filing a general complaint .....	250
21. Filing a return of service .....	100
22. Perusing of files .....	250
23. Notice of preliminary objection .....	250

## FORM E

(r. 7)

## HEARING NOTICE

In the Tribunal at .....

Tribunal Case No. .... of 20 .....

..... Applicant

*and*

..... Respondent



SCHEDULE, FORM E—*continued*

Whereas ..... the applicant has instituted a complaint against you the particulars of which are set out in the memorandum attached hereto.

You are hereby required to appear in person or be a representative on the ..... day of ..... , 20 ..... at ..... o'clock in the ..... noon when the complaint against you will be heard by this Tribunal sitting at .....

If you fail to appear either in person or by representative duly authorized by you, the applicant may proceed with the complaint and a determination by order of the Tribunal may be made in your absence.

Dated this ..... day of ..... , 20 .....

.....  
*Chairman of the Tribunal*

FORM F

(r. 8)

PROHIBITION ORDER

In the Tribunal at .....  
Tribunal Case No. .... of 20 .....  
..... Applicant

*versus*

..... Respondent

To .....  
.....  
.....

Whereas you have failed to comply with the order/determination made against you on the ..... day of ..... , 20 .....  
in the above case in favour of .....

And whereas this Tribunal on the application made by .....  
tenant/landlord deems it necessary to restrain you from .....

It is ordered that you the said ..... be, and you are hereby prohibited and restrained, until the further .....  
direction by this Tribunal from .....

Dated this ..... day of ..... , 20 .....

.....  
*Chairman of the Tribunal*

SCHEDULE—continued

FORM G

(r. 9)

AUTHORITY TO INSPECT OR VIEW PREMISES

Tribunal Case No. .... of 20 .....

To .....  
.....  
.....

Whereas it is deemed desirable for the purpose of this case that the value and reasonable rent of premises known as ..... be ascertained, you are hereby authorised to enter the said premises and evaluate as follows—

You are directed to ascertain—

- (i) the original cost of construction of the building;
- (ii) the age of the building;
- (iii) the market value of the land on which the premises are built;
- (iv) the improvements and cost of such improvements;
- (v) amenities or services provided by the landlord;
- (vi) the rent at which the premises were let for the past (three years?) .....

You are required to suggest the rent you think proper having regard to the market rent of comparable premises in the district.

Dated this ..... day of ....., 20 .....

.....  
*Chairman of the Tribunal*

FORM H

(r. 10)

CERTIFICATE PERMITTING LEVY OF DISTRESS FOR RENT

In the Tribunal at .....

Pursuant to section 12(1)(h) of the Landlord and Tenant (Shops, Hotels and Catering Establishments) Act, 1965 and the regulations made thereunder ..... of ..... is hereby authorized/permitted to act as a bailiff to levy distress for rent on the premises of ..... of ..... for rent alleged to be due to ..... of .....

Dated this ..... day of ....., 20 .....

.....  
*Chairman of the Tribunal*

SCHEDULE—*continued*

FORM I

(r. 15A)

[L.N. 153/1971.]

WITNESS SUMMONS

In the Tribunal at .....

.....  
.....  
.....

}

*Applicant*

*against*

.....  
.....  
.....

}

*Respondent*

To .....  
.....  
.....

Whereas your attendance is required to .....  
..... on behalf of the ..... in the above case you  
are hereby required to appear personally before this Tribunal on the .....  
day of ....., 20 ..... at ..... o'clock in  
the forenoon and to bring with you (or to send to this Tribunal) .....

.....  
Given under my hand and the seal of the Tribunal this .....  
day of ....., 20 .....

.....  
*Chairman*