

CONDOMINIUM ACT

B.E. 2522 (1979) as amended 2008



BHUMIBOL ADULYADEJ REX.
Enacted on the 21st day of April 2522
Being the 34th year of Present Reign

His Majesty King Bhumibol Adulyadej has been graciously pleased to proclaim that:

Whereas it is deemed expedient to have a law on Condominiums:

Be it, therefore, enacted by H.M. the King, by and with the advice and consent of the National Legislative Assembly, in the capacity of the Parliament, as follows

Section 1. This Act shall be called **Condominium Act B.E. 2522**:

Section 2. This Act shall come in to force after the lapse of one hundred eighty days from the date of this publication in the Government Gazette.

Section 3. All other laws, rules or regulations on the part provided herein or are inconsistent with the provisions of this Act are hereby superseded by this Act.

Section 4. This Act.

'Condominium'	means the building where persons are able to hold ownership separately according to each section consist of personal ownership in the property and joint ownership in com
'Personal Property'	means the apartment and it shall mean to include the structure or land allocated for the apartment individually.
'Apartment'	means a separate part of a condominium that may be separately owned by an individu
'Common Property'	means part of the condominium which is not the apartment, land where the condomini land or other property provided for use or for joint benefits of joint-owners.
'Apartment Title Deed'	means the document showing the ownership of personal property and joint-ownership property.

'Joint-owners'	means the owners of the apartments in the condominium of each condominium.
'Juristic Condominium'	means the juristic person registered under this Act.
'Regulations'	means the Regulations of the juristic condominium.
'General Meeting'	means an Ordinary General Meeting or an Extraordinary Meeting of joint owners, as t
'Committee'	means the condominium juristic person committee (in this translation sometimes also Board)
'Committee Member'	means a member of the condominium juristic person committee (sometimes referred t
'Manager'	means means a Manager of the condominium juristic person.
'Competent Official'	means the person appointed by the Minister for execution of this Act.
'Minister'	means the Minister having charge and control of the execution of this Act.

Section 5. The Minister of Interior shall have charge and control of the execution of this Act and shall have the power to appoint Competent Official, issue Ministerial Regulations, fixes fees and expenses not exceeding the rates annexed hereto and prescribes other businesses for the carrying out of this Act

Such Ministerial Regulations shall become effective upon their publication in the government Gazette.

CHAPTER 1

Registration of Condominium

Section 6. Any owner of land and building wishing to register the said land and building as condominium under this act shall file application for registration of condominium with the Competent Official together with:

- (1) Land title deed,
- (2) Plan Condominium, including entrances and exits to the public road
- (3) Details concerning the apartment, personal property and common property, such as; spaces, nature on the utilizations and other interests as set forth by the Minister,
- (4) Ratio of each owner of the apartment has the ownership in the common property under Section 14,
- (5) Certificate of the applicant verifying that the building applied for registration as a condominium is free from any encumbrances and not under mortgage except the mortgage of the building with the land, and
- (6) Draft of the regulations of the condominium juristic person
- (7) Other evidences as prescribed in the Ministerial Regulations.

Section 6/1 In the case of a person having freehold ownership in the land and building in accordance with Section 6 has made the advertisements to sell the units in the condominium, such person must keep in his office copies of the advertising contents or pictures or letters of induction advertised to the general public regardless of in whichever the forms until all units are sold out and, in addition, at least, one set of copies of such documents must be forwarded to the condominium corporate for retention, as well.

Regarding the advertisements on the sales of the units in the condominium on the part relating to the evidences and details set forth under Section 6, the advertising contents and pictures must be identically corresponding to the evidences and details submitted along with the application for

registration and must clearly indicate the details relating to common properties apart from being provided under Section 15.

The advertising contents and pictures or letters of induction shall be deemed to be an integral part of the Agreement to Sell a Unit or the Contract of Sale of a Unit, as the case may be. Should the meaning of any contents or pictures be contradictory to or inconsistent with the contents in the Agreement to Sell a Unit or the Contract of Sale of a Unit, the construction thereon shall be made in a manner advantageous to the party to buy or the party buying the unit.

Section 6/2 An Agreement to Sell a Unit or a Contract of Sale of a Unit between the person with freehold in the land and building under Section 6 and the party to buy or the party buying the unit shall be made in accordance with the form of the Agreement or Contract set forth by the Minister.

Any part of an Agreement to Sell a Unit or a Contract of Sale of a Unit under paragraph one which is not executed in accordance with the form of the Agreement or Contract set forth by the Minister and is not advantageous to the party to buy the unit or the party buying the unit, such part shall not be enforceable.

Section 7. Upon the Competent Official having received the application for registration of condominium under Section 6, should there be name of the mortgage creditor or the creditor with preferential right over the said land and building applied for registration in the land title deed, the Competent Official shall publish the said application while in the meantime send written notice to the said creditor to appear to the Competent Official together with evidence within thirty days from the date of receipt of the said written notice.

Upon the Competent Official having considered that the land is free from any binding obligations or in the case the land is under mortgage but the mortgagee has given consent to register as condominium, the official shall accept the application.

In the case where the building is under mortgage which does not include the land, it is prohibited to accept the registration of the condominium. In this case the official shall notify without delay the application of the reasons denying the application.

In the case the registration is accepted, the Competent Official shall publish the registration of Condominium in the Government Gazette.

Section 8. The application for registration under Section 7 shall be subject to the procedure under this Act.

Section 9. Upon the Competent Official having accepted the registration of the condominium, the Competent Official shall forward the land title deed filed under Section 6 to the Competent Land official where the Condominium is situated within fifteen days for entry in the index for registration of the land title deed that the said land is subject to the provisions of this Act and retain the said title deed.

In case the land is under mortgage but the mortgagee has given consent to register the condominium, the Competent Official shall make the memorandum of the consent of the mortgagee under Section 7, third paragraph, and the amount the mortgagee will receive settlement of debt from each apartment under Section 22 as well.

Section 10. Upon registration of condominium and the Competent Official has duly made the memorandum in the land title deed under section 9, it is prohibited to register the rights and juristic acts concerning the said land any further unless in the case provided in this Act and it is prohibited to apply for registration of the said Condominium creating obligations to the said condominium.

Section 11. In the event the Competent Official having issued an order refusing the registration of the condominium, the applicant has the right to lodge an appeal in writing to the Minister within thirty days from the date of the knowledge of the order.

The minister shall give the determination within sixty days from the date of receipt of the appeal, the determination of the Minister is final.

CHAPTER II

Ownership of Apartment

Section 12. The ownership of the apartment is indivisible.

Section 13. The owner of the apartment has the ownership in the personal property which is his own and has the joint-ownership in the common property.

Floor, partition wall of the room dividing any apartment shall be regarded as joint ownership between the said apartments and the exercising of the rights concerning the said property shall be in accordance with the regulations.

Owner of the apartment shall not do anything to his personal property which might effect the frame structure, stability, the prevention of damages to the building or others as prescribed in the Regulations.

Section 14. Ownership on the part of joint-ownership in common property shall be according to ratio of the price of each apartment and the total price of all apartments at the time of application for registration of condominium under section 6.

Section 15. The following properties shall be regarded as common property:

- (1) Land on which the condominium is situated;
- (2) Land provided for mutual use or benefits;
- (3) Frame structure and structures for stability and prevention and damages to the condominium;
- (4) Building or part of the building and equipment provided for mutual use or benefits;
- (5) Machines and tools provided for mutual use or benefits;
- (6) Facilities and services provided for common use to the condominium;
- (7) Other properties provided for mutual use or benefits;
- (8) Office of the condominium juristic person;
- (9) Immovable property bought or acquired under Section 48 (1);
- (10) Structures or systems built for security operations or environmental condition conservation within the condominium: such as; fire hazard preventive system, lighting, air ventilation, air-conditioning, water drainage, waste water treatment or refuse and waste disposal.
- (11) Property which the money is used in accordance with Section 18 in looking after and maintenance

Section 16. Common property which is immovable property shall neither be prosecuted for division in the enforcement of mortgage nor sold by auction separately from personal property.

Section 17/1 In the case where a space in the condominium is set aside as a place to carry out the business, the system on entering and exiting such area shall be specifically set up in order to prevent the disturbance on the peaceful enjoyment of the joint owners.

No person shall be permitted to engage in any trade transactions in the condominium except it is a trade transaction in the area of the condominium designated in accordance with paragraph one.

Section 18 Joint owners shall jointly share the payments of expenses on tax and duty in accordance with the ratio of the freehold in common property under Section 14, by each joint owner.

Joint owners shall jointly share the payments of expenses incurred as a result of providing common services as well as equipments, appliances and facilities having for common utilizations and the expenses incurred as a result of the looking after, maintenance and operations of common property in accordance with the ratio of the freehold in common property under Section 14, by each joint owner or in accordance with the portion of the advantage upon the unit provided, however, that this shall be in accordance with the requirements set forth under the Regulations.

A person with freehold in the land and building under Section 6 shall be the joint owner of the unit which the ownership in it has not yet been transferred to any person and shall jointly share the payments of the expenses under paragraph one and paragraph two for such particular unit, as well.

Section 18/1 In the case where a joint owner fails to make payments set forth under Section 18 with the prescribed time, such joint owner shall pay surcharge at the rate not exceeding twelve percents (12%) per year of the amount unpaid without compound interest charging provided, however, that this shall be in accordance with the requirements set forth under the Bylaws.

A joint owner with an amount in arrears under Section 18 from six months and upwards shall pay surcharge at the rate not exceeding twenty percents (20%) per year and may be suspended from receiving common services or using common property as set forth under the By-laws including the non-existence of the right to vote in the General Meeting.

The surcharge under paragraph one shall be deemed as the expenses under Section 18.

Section 19 Aliens (**foreigners**) and juristic persons regarded by law as aliens (**foreign**) may hold ownership of an apartment if the are the following:

1. Aliens permitted to have residence in the Kingdom under the Immigration law;
2. Aliens permitted to enter into the Kingdom under the investment promotion law;
3. Juristic persons as provided in Section 97 and 98 of the Land Code and registered as juristic persons under Thai law;
4. Juristic persons which are aliens under the Announcement of the National Executive Council No.281 dated November 24 (current section 4 Foreign Business Act), B.E. 2515 and have obtained promotion certificate under investment promotion law;
5. Aliens or juristic persons regarded by law as aliens who have brought in foreign currency into the Kingdom or withdraw money from Thai baht account of the person who have residence outside the Kingdom or withdraw money from a foreign currency account.

Section 19/2 (bis) Each condominium shall have aliens or corporate as indicated under Section 19 holding ownership in the units collectively not exceeding forty-nine percents (49%) of the spaces of the whole units in such particular condominium at the time of making the registration of such condominium in accordance with Section 6.

Section 19/3 (ter) In transferring of ownership of an apartment to an alien or juristic person as specified in Section 19 shall the applicant for transfer of ownership of apartment shall notify the Competent Official of the name of the alien or juristic person as specified in Section 19 together with the proportion of space of apartments already owned by such aliens or juristic persons, and the alien or juristic person who applies for holding the ownership of apartment shall present the following evidence to the Competent Official;

- (1) For the alien as specified in Section 19 (1), evidence of being permitted to have residence in the Kingdom under Immigration Law must be presented;
- (2) For the alien as specified in Section 19, the evidence of being permitted to enter the Kingdom under investment promotion law must be presented;
- (3) For the juristic person as specified in Section 19 (3), the evidence of being registered as the juristic person under Thai law must be presented;
- (4) For the juristic person as specified in Section 19 (4), the evidence of obtaining promotion certificate under investment promotion law must be presented;
- (5) For juristic persons stipulated in Section 19 (5), they shall produce evidence of bringing in foreign currency into the Kingdom or evidence of withdrawal of money from Thai Baht account of the person who have residence outside the Kingdom or withdrawal of money from foreign currency account in the amount of not less than the price of the apartment to be purchased.

Section 19/4 (quarter) Upon the competent authority having received the documents and evidences under Section 19 ter and having examined and deemed that they are correct according to the provisions of Section 19 ter and the ratio of holding the ownership in apartment of aliens or juristic persons under Section 19, of those already held the ownership and those applying for the acceptance of transfer, not exceeding the ration prescribed in the first paragraph of Section 19 bis, or being in accordance with the second paragraph and the third paragraph of Section 19 bis, the competent authority shall proceed with the registration of rights and juristic acts concerning apartments under Chapter 4 for such aliens or juristic persons applying for the acceptance of transfer.

Section 19/5 (quinque) The alien or juristic person as provided in Section 19 shall dispose of apartment in the following cases:

1. When the alien or juristic person stipulated in Section 19 have acquired apartments by legacy in the capacity of statutory heir or inheritor under will or by other means as the case may be, and when include the apartment already held by such aliens or juristic persons stipulated in Section 19 exceeding the ratio prescribed in the first paragraph of Section 19 bis or not being in accordance with the second paragraph or the third paragraph of Section 19 bis;
2. Where the permission to have residence in the Kingdom of the alien as specified in Section 19 is revoked, or his residence certificate is no longer valid;
3. Where the alien as specified in Section 19 (1), (2) and (5) is deported out of the Kingdom, and has not received a relaxation or is not sent to earn a living any where instead of being deported;

4. Where the alien as specified in Section 19 (4) does not receive permission from the Board of Investment to stay in the Kingdom;
5. Where the promotion certificate of the juristic person as specified in Section 19 (4) is revoked.

The alien or juristic person who is compelled to dispose of the apartment under the first paragraph shall notify in writing the Competent Official within the period of sixty days from the date the cause of such disposition occurred under the first paragraph.

For the case of (1), only the apartments exceeding the designated proportion shall be disposed; for the case of (2), (3), (4) and (5), all the apartments owned shall be disposed.

The disposition of apartments under the third paragraph shall be made within a period of not exceeding one year from the date of acquisition of ownership of such apartments, or the date of revocation of permission to have residence in the Kingdom, or the invalidation of the residence certificate or the date of being ordered deported or de the date of revocation by the Board of Investment of permission to stay in the Kingdom, or the date of revocation of promotion certificate as the case may be. If the disposition is not made within the said period, the Director-General of Land Department shall have the power to dispose of such apartment, and the provisions regarding the the compulsion of disposition of land under Chapter 3 of the Land Code and the Ministerial Regulations issued there under shall be applied to the disposition of such apartment *mutatis mutandis*.

Section 19/6 (sex) Where the authorized official issues an order to revoke the permission for aliens to have residence in the Kingdom, or where the facts appear to the official that the residence certificate of the alien is no longer valid for the alien as specified in Section 19 (1), (2) or (5) out of the Kingdom, or issues an order revoking the permission for the alien as specified in Section 19 (2) for staying in the Kingdom, or issues an order revoking promotion certificate for the juristic person as specified in Section 19 (4), as the case may be, such official shall notify the Director-General of the Land Department within sixty days from the date of issue of the order or the date of knowing such facts.

Section 19/7 (septem) An alien or juristic person regarded by law as alien other than those specified in Section 19 who acquires an apartment by inheritance as statutory heir or legatee or otherwise, as such case may be, shall notify in writing the Competent Official within a period of sixty days from the date of acquisition of ownership of apartment, and shall dispose of such apartment within a period of not exceeding one year from the date of acquisition of ownership of apartment. If disposition is not made within said period, the provisions of the fourth paragraph of Section 19 quinqu shall apply *mutatis mutandis*.

Section 19/8 (octo) Any person who acquired ownership of apartment while he had the Thai nationality, and subsequently loses Thai nationality due to surrender of Thai nationality, conversion of nationality or revocation of Thai nationality under national law, and is not alien as specified in Section 19, shall notify in writing the Competent Official of loss of Thai nationality and the inability to continue to hold ownership of apartment within a period of sixty days from the date of loss of Thai nationality, and shall dispose of all apartments owned by him within a period of not exceeding one year from the date of loss of Thai nationality. If disposition is not made within said period, the provisions of the fourth paragraph of Section 19 quinqu shall apply *mutatis mutandis*.

Section 19/9 (novem) Whoever acquires the ownership in apartments at the time he is of Thai national, if later the said person loses his Thai nationality because of forsaking Thai nationality, denaturalization or having been denaturalized of Thai nationality under the law governing nationality, and the said person is an alien as stipulated in Section 19, if wishing to continue holding the ownership thereof, shall inform the competent authority in writing of the loss of Thai nationality and shall produce evidence that he is an alien stipulated in Section 19 to the competent authority within one hundred and eighty days from the date of loss of Thai nationality. However, if the ownership in apartment of the said alien exceeding the ration prescribed in the first paragraph of Section 19 bis, or not being in accordance with second paragraph of the third paragraph of Section 19 bis, he shall dispose of the apartment that exceeds the ratio within one year from the date of loss of Thai nationality. If he does not dispose of the said apartment within the said period of time, the provisions of the fourth paragraph of Section 19 quinqu shall apply *mutatis mutandis*.

If the alien under the first paragraph does not wish to continue to hold ownership of apartment, he shall notify in writing the Competent Official of the loss of Thai nationality within a period of sixty days from the date of loss of Thai nationality, and shall dispose of all apartments owned by him within a period of not exceeding one year from the date of loss of Thai nationality. If disposition is not made within the said period, the provisions of the fourth paragraph of Section 19 quinqu shall apply *mutatis mtandis*.

Section 19/10 (decem) A juristic person which had Thai nationality and holds ownership of apartment, and subsequently the nature of such juristic person changes to become that regarded by law as an alien and is not a juristic person specified in Section 19, shall notify in writing the Competent Official of change of its nature and the inability to continue to hold ownership of apartment within a period of sixty days from the date of such change and shall dispose of all the apartments owned by it within a period of not exceeding one year from the date of such change. If disposition is not made within the said period, the provisions of the fourth paragraph of Section 19 quinqu shall apply *mutatis mutandis*.

Section 19/11 (undecim) For jutistic persons which is of Thai nationality and holds ownership of apartment, and subsequently the nature of such juristic person changes to become that regarded by law as an alien and may hold ownership of apartment as it is a juristic person as specified in Section 19, if it wishes to continue to hold ownership of apartment, it shall notify in writing the Competent Official of change of its nature shall submit evidences showing that it is an alien as specified in Section 19 to the Competent Official within one hundred and eighty days from the date of change. But if the ownership of apartments of such juristic person exceeds the proportion specified in Section 19 bis, it shall dispose of the apartments in excess of the proportion prescribed within a period of not exceeding one year from the date of such change. If disposition is not made within the said period, the provisions of the fourth paragraph of Section 19 quinqu shall apply *mutatis mutandis*.

If the juristic person under the first paragraph doe not wish to continue to hold ownership of apartment, it shall notify in writing the Competent Official of change of its nature within a period of sixty days from the date of such change and shall dispose of all apartment owned by it within a period of not exceeding one year from the date of such change. If disposition is not made within the said period, the provisions of the fourth paragraph of Section 19 quinqu shall apply *mutatis mutandis*.

Apartment Title Deed

Section 20 Upon acceptance of the registration of the condominium under Section 7, the Competent Official shall issue apartment title deed according to the plan of the condominium registered without delay.

Registration of rights and juristic acts in connection with the apartment shall not be made until the registration of juristic condominium under Section 31 except the registration of the redemption of mortgage the Competent Official had made the record of such under Section 22 or the transfer of ownership of all the apartments to a single or several persons by holding ownership collectively.

Section 21 The apartment title deed shall at least contain the following main particulars:

- (1) Position of the land and area of the land of the condominium.
- (2) Location, area and plan of the apartment showing the width, length and height.
- (3) Ratio of ownership of common property.
- (4) Name and surname of the person having the ownership of the apartment.
- (5) Index for the registration of rights and juristic acts.
- (6) Signature of the Competent Official.
- (7) Position seal of the Competent Official.

The Apartment title deed shall be made in duplicate, one copy shall be for the person having the ownership of the apartment while the other copy shall be retained at the Office of the Competent Official. With regard to the copy retained at the Office of the Competent Official, it may be a photocopy. In this case it shall be signed by the Competent Official and affixed with the official seal as well.

From, basis and methods in the issuance of apartment title deed including the substitute thereof shall be as prescribed by the Ministerial Regulations.

Section 22 In the event the immovable property under Section 15 (1) or (2) is under mortgage prior to the registration of condominium but the mortgagee had given the consent to register the condominium under Section 7, third paragraph, when issuing the apartment title deed, Competent Official shall mention the applicant to have the ownership of the apartment and record the said mortgage in every apartment title deed together with the amount of money the mortgagee will receive payments of debt from each apartment by computing the said amount of money according to ratio of the ownership in the common property in the index for registration as well.

After having issued the apartment title deed under the first paragraph, it shall be regarded that each apartment is a guarantee of debt on mortgage specifically on the specified in the said apartment title deed.

Section 23 In the case where the Competent Official has duly entered the mortgage of immovable property in the apartment title deed under Section 22; the sale of each apartment for the first time by the person applied for registration of condominium who is the owner in apartment title deed, the transferee of ownership of the apartment shall receive the transfer free of mortgage encumbrance.

Section 24 If it appears that the issuance of apartment title deed, the registration of rights and juristic act in connection with the apartment or the entry in the index for registration is inaccurate or unlawful, the Competent Official shall have the power to withdraw or make amendment, whichever the case may be.

The Competent Official shall have the power to make inquiries and call for the apartment title deed, documents registering the rights and juristic acts, document registering the entry in the index for registration or other relevant documents for consideration, but prior to the withdrawal or amendment, the Competent Official shall give notice to the persons concerned not less than fifteen days in advance for any protest. If there is no protest within thirty days from the date of receipt of the notice, it shall be regarded that there is no protest. In case the Competent Official is unable to call for the apartment title deed for action, the Competent Official shall have the power to issue a substitute of the apartment title deed.

Once the Competent Official with the power under the first paragraph having made any decision, such shall be carried out accordingly.

In the case of the final judgment or order of the Court to withdraw or make amendment in whatever manner, the Competent Official shall do so accordingly to the judgment or order of the Court.

Section 25 In the case of loss or damage of the apartment title deed in the main substance, the owner may apply for the substitute of the said apartment title deed.

Section 26 In the event of the issuance of the substitute of the apartment title deed under Section 24 or Section 25, the original apartment title deed shall be cancelled unless the Court will issue order otherwise.

Section 27 In case where the copy of the apartment title deed retained at the Office of the Competent Official is lost or damaged in the main substance, the Competent Official shall have the power to call for the copy of the owner of the apartment title deed for consideration and make a new copy with the use of original evidence.

CHAPTER IV

Registration of Rights and Juristic Acts

Section 28 The Competent Official under this act shall be the Competent Official registering the rights and juristic acts in connection with the apartment.

Section 29 Any person wishing to register the rights and juristic acts in connection with the apartment under this Act shall produce the apartment title deed for registration to the Competent Official

In the case of an application for a registration of a right and a juristic act in a unit, the competent official shall accept the application for the registration of such unit and the juristic act only when such unit is free from any liabilities arising from the expenses under Section 18 which, in this connection, a Letter of Certification from the condominium corporate indicating that such unit is free from the very last liabilities must be produced.

The Manager shall issue the Letter of Certification that the unit is free from any liabilities in accordance with paragraph two to the joint owner within fifteen days from the date on which the request has been received provided that the joint owner has fully made the payment of the debt arising out of the expenses in accordance with Section 18.

The provisions under paragraph two shall not apply in the case of a registration of a right and a juristic act on an ownership transfer in a unit prior to the registration of the condominium corporate.

Section 30 The provisions of the Land Code Chapter VI, Registration of Rights and Juristic Acts and Ministerial Regulations under the said Act shall apply to the registration of rights and juristic acts relevant to the apartment *mutatis mutandis*.

CHAPTER V

Juristic Condominium

Section 31 The transfer of rights in the apartment to any person without transferring the entire ownership in the apartment in the condominium to one or several persons holding the rights jointly shall be made only upon the transferrer and the transferee of rights in the said apartment filing the application for the transfer of rights in the apartment together with the application for the registration of juristic condominium with the copy of the Regulations and evidence in the registration of condominium to the Competent Official.

Upon finding it correct, the Competent Official shall register the transfer of rights in the apartment to the transferee and register the juristic condominium under the first paragraph simultaneously and publish it in the Government Gazette.

Section 32 The Regulations shall at least contain the following main particulars:

- (1) Name of juristic condominium shall contain the words 'juristic condominium' as well
- (2) Objectives under Section 33
- (3) Location of office of juristic condominium
- (4) Amount of expenses of juristic condominium the joint-owners shall have to pay in advance.
- (5) Management of common property
- (6) The use of personal property and common property,
- (7) Ratio of the freehold in common property which each unit joint owner has as specified in condominium registration application,
- (8) Expense ratio where the payment is shared by joint owners in accordance with Section 18,
- (9) Other statements prescribed under Ministerial Regulation.

An alteration on or an addition to the Regulations which has already been registered can be made only by the resolution of the Joint Owner General Meeting and the Manager shall register such alteration or addition with the competent official within thirty days from the date on which the Joint Owner General Meeting has passed such resolution.

In the case where the competent official is of the view that such alteration or addition is not contradictory to the law, the competent official shall then register such alteration or addition thereof.

Section 33 Juristic condominium duly registered shall have the status as a juristic person and shall have the objectives to manage and maintain the common property with the power to do any acts for the benefits of the said objectives. However, it shall be in accordance with the resolution of joint-owners under the provisions of this Act.

Section 34 In the event certain part of the condominium being expropriated under the law governing expropriation of immovable property, the joint-owners whose apartments have been expropriated shall have no right in the common property remains from the expropriated. In this instance, the juristic condominium shall arrange for the joint-owners whose apartments have not been expropriated jointly indemnify the price to the joint-owners whose rights extinct. However, it shall be according to the ratio of each joint-owner is entitled to the common property.

For the purpose of indemnify the price to the joint-owners whose rights extinct under the first paragraph, it shall be regarded that the debt indemnifying the said price has preferential rights over the personal property of the owners whose apartments have not have been expropriated similarly to the expenses under Section 18, the second paragraph.

Section 35 The juristic condominium shall have one manager who may be an ordinary person or a juristic person. In the case where the manager is a juristic person, such juristic person shall appoint an ordinary person to be the person acting for the juristic person in the capacity as the manager.

Section 35/1 The Manager shall not be lower than full twenty-five years old and shall not possess the following prohibitions:

- (1) Being bankrupt
- (2) An incompetent or quasi-incompetent person,
- (3) Used to be dismissed, removed or discharged from government service, government or private organization or agency on charge of misfeasance,
- (4) Used to be imprisoned by final judgment except an offence committed through negligence or petty offence,
- (5) Used to be removed from the capacity of a manager because of corruption or his conduct is detrimental or defective on morality.
- (6) Having unpaid debt being the expenses under Section 18.

In the case where the Manager is a juristic person, the person acting on behalf such juristic person in the capacity of a manager shall as well have the qualifications and shall not possess the prohibitions described under paragraph one.

Section 35 /2 The appointment of the Manager shall be in concordance with the resolution of the Joint Owner General Meeting in accordance with Section 49 and the Manager so appointed shall bring the evidences or Employment Agreement to the competent official for registration within thirty days from the date on with the Joint Owner General Meeting has passed the resolution.

Section 35/3 The Manager vacates office upon

- (1) Death or the status of being a juristic person has come to an end,
- (2) Resignation,
- (3) The period prescribed under Employment Agreement has come to an end,
- (4) Disqualification or possessing prohibitions set forth under Section 35/1,
- (5) Failure to comply with the provisions under this Act or Ministerial Regulation issued under this Act or failure to comply with a condition set forth under the Employment Agreement and that the Joint Owner General Meeting has passed a resolution for removal in accordance with Section 49.
- (6) The Joint Owner General Meeting has passed a resolution on the removal.

Section 36 The manager shall have the following powers and duties:

- (1) To carry out the work according to the objectives under Section 33 or resolution of the Regulations or resolution of the joint-owners General Meeting, however it shall not be contradictory to the law.
- (2) In the case of necessity and urgency, the Manager shall have the power by his own initiative to carry out the business for the safety of the building as a prudent person should do to his own property.
- (3) Providing security operations or taking actions in maintaining peace and order within the condominium.
- (4) Acting as a representative of the condominium corporate.
- (5) Arranging to have a monthly Receipt and Expenditure Account prepared and post it on the Bulletin Board to inform the joint owners within fifteen days from the end of the month and that such relevant Announcement shall be posted at least for a consecutive period of fifteen days.
- (6) Suing for compulsory performance from a joint owner for overdue payment of expenses under Section 18 in excess of six months and over.
- (7) Other duties prescribed under Ministerial Regulation.

The Manager shall perform his duties by own self except the business by the Regulations or the resolution of the Joint Owner General Meeting in accordance with Section 49 (2) prescribing that the other person can be assigned to work on his behalf and that the person so assigned shall be present to perform duties in accordance with time set forth under the Regulations.

Section 37 There shall be a Condominium Corporate Committee consisting of members of not less than three persons but not exceeding nine persons appointed by the Joint Owner General Meeting.

The members shall hold office for two years each term. In the case where a member vacates office prior to the expiration of term or a member is additionally appointed during which the members having already been appointed still have a term in office, the member so appointed to take place or in addition shall have a term in office equivalent to the remaining term in office of the members having already been appointed.

Upon completion of the term in office in accordance with paragraph two, if new members have not yet been appointed, the members vacating office on the expiration of the term shall continue to perform their duties until the newly appointed members assume their duties.

A member vacating office may be re-appointed but shall not be eligible to hold office exceeding two consecutive terms unless other person cannot be found to hold office.

On the appointments of the members, the Manager shall register such appointments with the competent official within thirty days from the date on which the Joint Owner General Meeting has passed a resolution on such appointments.

Section 37/1 The following persons shall be eligible for an appointment as a member:

- (1) A joint owner or his spouse,
- (2) A statutory heir, custodian or curator in the case where a joint owner is a minor, incompetent or quasi-incompetent person, as the case may be.
- (3) An agent of the condominium corporate in the case where the condominium corporate is a joint owner.

In the case where any unit's ownership holder consist of several joint owners, only one person shall be eligible for an appointment as a member.

Section 37/2 A person eligible for appointment as a member shall not possess the following prohibitions:

- (1) A minor, an incompetent or quasi-incompetent person,
- (2) Used to be relieved from the position of a member by the Joint Owner General Meeting or removed from being a manager because of corruption or his conduct is detrimental or defective on morality.
- (3) Used to be dismissed, removed or discharged from a government service, government or private organization or agency on charge of misfeasance,
- (4) Used to be imprisoned by final judgment except an offence committed through negligence or petty offence.

Section 37/3 In addition to vacating office on the expiration of term, a member vacates office upon

- (1) Death,
- (2) Resignation,
- (3) Not being a person under Section 37/1 or having the prohibitions set forth under Section 37/2,
- (4) The Joint Owner General Meeting has passed a resolution in accordance with Section 44, relieving him from the position.

Section 37/4 The Committee (Board) shall elect a member as the Board Chairman and may elect a member as the Board Vice Chairman.

Section 37/5 The Board Chairman shall summon members for a Board Meeting and in the case where at least two members have submitted a request for summoning a Board Meeting, the Board Chairman shall schedule the date for such Meeting within seven days from the date of receiving such request.

Section 37/6 On the Committee (Board) Meeting, there must be members of not less than a half of the total number of the members attending to Meeting to constitute a quorum.

On the Committee Meeting, if the Board Chairman is not present at the Meeting or is unable to perform his duty, the Board Vice Chairman shall preside over the Meeting as the Meeting Chairman, but, if in the absence of the Board Vice Chairman or even in his presence, however, he is unable to perform his duty, the members in attendance shall elect a member to be the Chairman of the Board Meeting.

The Meeting decision shall be on the basis of the majority of votes. In casting votes, each member shall have one vote. In the case of an equality of votes, the Meeting Chairman shall have an additional vote as the casting vote.

Section 38 The Board shall have the power and duty as follows:

- (1) Monitoring control over the condominium corporate managements,
- (2) Appointing a member to assume duties of the Manager of the condominium corporate in the case where there is no Manager or the Manager is unable to perform normal duties in excess of seven days.

- (3) Arranging the Board Meeting to be convened at least once every six months.
- (4) Other duties prescribed under Ministerial Regulation.

Section 38/1 The condominium corporate shall prepare a balance sheet at least once every twelve-month cycle which shall be deemed as accounting year of such condominium corporate.

The balance sheet under paragraph one must contain the particulars on the amount of properties and liabilities of the condominium corporate as well as receipt-expenditure account and audited by an auditor and then submitted to the Joint Owner General Meeting for approval within one hundred and twenty days from the date ending the accounting year.

Section 38/2 The condominium corporate shall prepare an annual report showing operational result for submission to the Joint Owner General Meeting together with proposing the balance sheet and that photocopies of such documents shall be forwarded to joint owners at least seven days prior to the date scheduled for the Meeting.

Section 38/3 The condominium corporate shall maintain the annual report showing the operational result and balance sheet including Bylaws at the condominium corporate office to enable the competent official or joint owners for jointly review.

The condominium corporate shall maintain the annual report showing the operational result and balance sheet under paragraph one for a period of not less than ten years from the date of receiving approval from the Joint Owner General Meeting.

Section 39 The juristic condominium may exercise the right of joint-owner covering all the common property in defending outside persons or demanding the return of property for the benefit of all joint-owners.

Section 40 Joint-owners shall pay money to the juristic condominium for the carrying out of the business of juristic condominium as follows:

- (1) Expenses of juristic condominium which the owner of each apartment shall pay in advance.
- (2) Fund upon starting to do anything under the Regulations or under the resolution of the general meeting.
- (3) Other monies for the carrying out of the resolution of the general meeting under the conditions prescribed by the general meeting.

Section 41 For the purpose in the enforcement of settlement of debts arising from the expenses under Section 18, the juristic condominium shall have the preferential rights as follows:

- (1) Preferential rights in connection with the expenses under Section 18, first paragraph shall be regarded as preferential rights of the same nature as the preferential rights under Section 259 (1) of the Civil and Commercial Code and over the movable property the owner of the said apartment brought into his apartment.
- (2) Preferential rights concerning the expenses under Section 18, second paragraph shall be regarded as preferential rights of the same nature as the preferential rights under Section 273 (1) of the Civil and Commercial Code and over the personal property of each owner of the apartment.

Preferential rights under (2), if the manager has duly submitted the description of debt to the Competent Official, it shall be regarded a priority to the mortgage.

Section 42 The Manager shall arrange to have a General Meeting convened which shall be deemed to be the first Ordinary General Meeting within six months from the date of the registration of the condominium corporate in order that the Meeting can appoint the Board and consider for approval the Bylaws and the Manager having been registered in accordance with the application for the registration of the condominium corporate which has already been submitted.

In the case where the Ordinary General Meeting does not give the approval on the Regulations or the Manager under paragraph one, the Ordinary General Meeting shall consider the alteration or modification on such Bylaws or Manager or removal thereof and then appoint a Manager, as well.

Section 42/1 The Board shall arrange to have the Ordinary General Meeting convened once a year within one hundred and twenty days from the date ending the accounting year of the condominium corporate to undertake the following businesses:

- (1) Considering for approval the balance sheet,
- (2) Considering the annual report,
- (3) Appointing an auditor,
- (4) Considering other matters.

Section 42/2 In the case of necessity, the following persons shall have the right to summon an Extraordinary General Meeting whenever required:

- (1) The Manager,
- (2) The Committee by its resolution exceeding a half of the Board Meeting,
- (3) Joint owners of not less than twenty percents (20%) of the total votes of the joint owners signing to make a letter requesting the Meeting to be convened for submission to the Board. In this case, the Board shall arrange to have the Meeting convened within fifteen days from the date of receiving such request. Should the Board fail to have the Meeting convened within such prescribed time, The joint owners of the aforementioned number shall have the right to arrange to have such Extraordinary General Meeting convened by themselves by appointing a person from them to be their representative in issuing letters of summoning to attend the Meeting.

Section 42/3 On summoning to the General Meeting, written letters indicating the place, date, time and Meeting agendas and the matters to be presented to the Meeting together with reasonable details shall be made and forwarded to the joint owners at least seven days prior to the Meeting date.

Section 43 At a General Meeting, there must be the Meeting attendees with the collective votes of not less than one fourth of the total number of the votes to constitute a quorum.

In case co-owners present in the meeting do not constitute the quorum as specified in First Paragraph, a new meeting shall be convened within fifteen days from the day convening in the previous time; the latter general meeting has no enforcement that the quorum shall be constituted.

The Manager or spouse of the Manager shall be prohibited to chair the General Meeting.

Section 44 The resolution of the general meeting shall be by the majority of votes of joint-owners attending the meeting unless this Act will have provided otherwise.

Section 45 In casting of votes, each joint-owner shall have the votes according to the ration of his

ownership in the common property.

If one joint-owner owner has the votes more than half of the total votes, the number of votes shall be reduced to remain equivalent to the total votes of all other joint-owners.

Section 46 Upon there being a Regulation stipulating that certain joint-owners shall pay expenses in particular, only these joint-owners shall have the right to vote in the resolutions concerning the said expenses with the number of votes of each joint-owner is entitled according to the ration prescribed in the prescribed in the Regulations under Section 18, first paragraph.

Section 47 A joint owner may give a written proxy to the other person in casting the vote on his behalf, however, a proxy shall not be permitted to receive such written proxy to cast the votes in a meeting in excess of three units.

The following persons shall be prohibited to receive a proxy to cast the vote on behalf of a joint owner:

1. Board members and their spouses,
2. The Manager and his spouse,
3. Staffs or employees of the condominium corporate or contractors of the condominium corporate,
4. Staffs or employees of the Manager in the case where the Manage is a corporate.

Section 48 A resolution on the following matters must have the votes of not less than a half of the total votes of the joint owners:

1. A purchase of real estate or acceptance as a gift of real estate with the encumbered charge being the common property,
2. A disposition of common property being the real estate,
3. A permission to a joint owner to build, decorate, make a change in, alteration on or addition to his own unit at his own expenses which adversely affect the common property or the external features of the condominium,
4. An alteration on or a change in the Bylaws relating to the use or management of the common property,
5. An alteration on or a change in the ratio of the common expenses in the Bylaws defined under Section 32 (8),
6. A construction deemed to be a change in, addition to or modification on the common property,
7. An arrangement for the exploitation from the common property.

In the case where the joint owners attending a meeting does not constitute the number set forth under paragraph one, a new meeting shall be summoned within fifteen days from the date of summoning the preceded meeting and that a resolution relating to the matter provided under paragraph one in this new meeting must receive the votes of not less than one third of the joint owners' total votes.

Section 49 A resolution relating to the following matters shall receive the votes of not less than one fourth of the joint owners' total votes:

- (1) Appointment or removal of the Manager,
- (2) Stipulation on the business which the Manager has the power to assign the other person to carry out on his behalf.

Section 50 In the event of the total damage of the condominium or part of the condominium but more than half of the total number of the apartments, if the joint-owners adopt a resolution by a vote under Section 48 to construct or repair the part of the building which is damaged, the juristic condominium shall construct or repair the part of the building which is damaged to restore it to good condition.

If the condominium is damaged partly but less than half of the total number of the apartments, if the majority of the joint-owners of the damaged apartments adopt resolution to construct or repair the said damage, the juristic condominium shall construct or repair the said damage to restore it to good condition.

Expenses in the construction or repair of the damaged building which is the common property, every joint-owner of the condominium shall jointly pay according to the ratio each joint-owner has ownership in the common property. With regard to the expenses in the construction or repair of the part which is personal property it shall be borne by the owner of the said damaged apartment.

The apartment newly constructed under the first paragraph or the second paragraph shall be regarded as replacement of the original apartment and the original apartment title deed shall be regarded as the apartment title deed of the newly constructed apartment. If the details in the original apartment title deed does not correspond with those of the newly constructed apartment, the Competent Official shall have the power to make correction therefore.

If it arrives at a resolution not to construct or repair the damaged part of the building under the first paragraph or the second paragraph, Section 34 shall apply *mutatis mutandis*.

Upon the owner of the apartment not to be constructed or repaired of the part damaged having received indemnity of the price of the common property from the joint-owners, the apartment title deed of the said apartment shall be revoked and the owner shall return it to the Competent Official within thirty days from the date of receipt of the indemnity of the price of the common property for the remark of revocation in the apartment title deed both the copy of the owner of the apartment and the copy retained at the Office of the Competent Official and the Competent Official shall publish revocation of the said apartment title deed in the Government Gazette.

CHAPTER VI

Revocation of Condominium

Section 51 The condominium already registered may be revoked upon any of the following reasons

- (1) In the case where registration of juristic condominium has not yet been made, the applicant for registration of condominium or the transferee of ownership of all the apartments in the condominium, whichever the case may be, request for the revocation of condominium.
- (2) Joint-owners adopt the resolution unanimously to revoke the condominium.
- (3) The entire of the condominium being damaged and joint owners adopt the resolution not to

build that building anew.

(4) The whole of the condominium has been expropriated under the law governing the expropriation of immovable property.

Section 52 in case the condominium being revoked because of the reason under Section 51 (1), the applicant for revocation shall file the application for revocation of the condominium in the form prescribed by the Minister to the Competent Official.

Upon the Competent Official having considered it in good order, the Competent Official shall register the revocation of the condominium and publish the registration of the revocation of the said condominium in the Government Gazette.

Once the registration of the revocation of the condominium under this Section has been executed, the provisions in Section 54 and Section 55 shall apply *mutatis mutandis*.

Section 53 In the case where the condominium was revoked because of the reason under Section 51 (2) or (3), the Manager of the juristic condominium shall file the application for registration of the revocation of the condominium in the form prescribed by the Minister to the Competent Official together with the apartment title deed and copy of the minutes of meeting of joint-owners with resolution to revoke the said condominium or the resolution not to construct the said condominium anew and the Manager of the juristic condominium shall sign certifying correct copy, whichever the case may be, within thirty days from the day the meeting of joint-owners adopt the said resolution.

Upon the Competent Official considers that it is in good order, the registration of the revocation of the condominium shall be accepted and the registration of the revocation of the said condominium shall be published in the Government Gazette.

Section 54 Once the registration of the revocation of the condominium under Section 52 or Section 53 had been completed, the apartment title deed of the said condominium shall be revoked and the Competent Official shall make a remark of the revocation in the copy of the owner of the apartment and the copy retained at the Office of the Competent Official.

The Competent Official shall have the power to issue written notice for the return of the copy of the owner of the revoked apartment from the owner or the person in possession for carrying out under the first paragraph and the owner of the apartment or the person in possession shall send the apartment title deed to the Competent Official within thirty days from the date of receipt of written notice.

Section 55 The Competent Official shall send the copy of the condominium title deed of the revoked apartment retained at the office of the Competent Official with the remark of revocation under Section 54 together with the copy of the application for registration of the revocation of the condominium to the Land Competent Official to make entry in the index for registration of the original land title deed showing the names of joint-owners as appeared in the application for registration of the revocation of the condominium as collective ownership at the ration each joint-owner has the ownership in the common property together with the details of obligation as appeared in the said apartment title deed.

When the Land Competent Official has duly made the entry in the land title deed under the first paragraph, such land shall be no more subject to the provisions of this Act and the Land Competent Official shall return the said land title deed to the owner.

* An alien or a juristic person as specified in Section 19 whose name appears as an owner on land title deed, as a result of registration of dissolution of condominium under the first paragraph, shall dispose of his portion of land within a period not exceeding one year from the date of registration of dissolution of condominium. If disposition is not made within the said period, the provisions of the fourth paragraph of Section 19 quinqu shall apply *mutatis mutandis*.

Section 56 In the event the condominium being revoked because of the reason under Section 51 (4), the apartment title deed shall be revoked and the Competent Official shall register the revocation of the condominium and publish the registration of revocation of the said condominium in the Government Gazette.

In the case of the first paragraph, the entry in the index for registration of the apartment title deed of the apartment and of the original land title deed shall be executed as prescribed in the Ministerial Regulations.

Section 57 When there is registration of revocation of condominium, the juristic condominium shall be dissolved and the meeting of joint-owners shall appoint a liquidator within fourteen days from the date of registration of the dissolution of the condominium.

Section 58 The liquidator shall have the power to dispose of the common property which is movable property unless the meeting of joint-owners will adopt a resolution otherwise.

Section 59 The provisions of the Civil and Commercial Code, Title XXII, Partnerships and Companies, Chapter V, Liquidation of Registered Partnerships, Limited Partnerships and Limited Companies, shall apply in the liquidation of juristic condominium *mutatis mutandis*.

Section 60 Upon completion of the liquidation, should there be property still remaining, such shall be divided to joint-owners according to the ratio each joint-owner has the ownership in the common property.

CHAPTER VI-1

Section 60/1 In performing in accordance with this Act, the competent official shall have the power as follows:

- 1) Conveying a letter to any person calling for such person to make a statement, give explanation on the facts or else make a written explanation or submit documents, accounts, registers or any evidences to support a consideration or a check on the performance in compliance with this Act.
- (2) Entering the land and building requested for registration as a condominium or the land, building or premises being the common property of the condominium in order to make inquiries on the facts, verify documents or evidences to support the consideration or check the performance in compliance with this Act.
- (3) Attaching documents, accounts, registers or evidences for the benefit of verifications and proceeding the case under this Act.

On performing duty under (2), the competent official shall not act in a manner of threatening or search in accordance with Criminal Procedure Code.

On performing duty under paragraph one by the competent official, related person(s) shall provide

reasonable facilitations to such competent official.

Section 60/2 On performing duty, the competent official must produce his identification card to related person(s).

The identification card of the competent official shall be in accordance with the form set forth by the Minister.

Section 60/3 On performing duty in accordance with this Act, the competent officials shall be the official in accordance with the Criminal Code.

CHAPTER VII

Fees and Expenses

Section 61 The application and the registration of condominium or juristic condominium, application and registration for the revocation of condominium, amendment of the Regulations , the issuance of apartment title deed or the substitute of apartment title deed, the application and the registration and the registration of rights and juristic acts or other businesses in connection with the apartment, the applicant shall pay the fees and expenses as prescribed in the Ministerial Regulations.

Section 62 The provisions of Land Code under Chapter 11 – Fees, shall apply to the levies of fees under this Act mutatis mutandis.

Chapter VIII

Penalty

Section 63 A person having an ownership in the land and building in accordance with Section 6, whoever violating paragraph one of Section 6/1 or paragraph one of Section 6/2 shall be liable for punishment of a fine not exceeding one hundred thousand Baht.

Section 64 Whoever violating paragraph two of Section 6/1 shall be liable for punishment of a fine from fifty thousand Baht up to one hundred thousand Baht.

Section 65 Whoever violating Section 17/1 shall be liable for punishment of a fine not exceeding fifty thousand Baht and an additional fine not exceeding five thousand Baht per day throughout the period of such violation.

Section 66 An alien or a corporate deemed by law to be an alien whoever fails to notify a competent official on the factum provided under paragraph two of Section 19 penta, Section 19 septem, Section 19 octo, Section 19 novem, Section 19 decem and Section 19 linquere within the prescribed time, shall be liable for punishment of a fine not exceeding ten thousand Baht and an additional fine not exceeding five hundred Baht per day throughout the period of such violation.

Section 67 Whoever holding an ownership in a unit in the capacity of an owner on behalf of an alien or a corporate deemed by law to be an alien notwithstanding whether or not such alien or corporate shall have a right to hold an ownership in a unit under this Act, shall be liable for punishment of imprisonment not exceeding two years or a fine not exceeding twenty thousand Baht

or both and that the provisions under paragraph 4 of Section 19 penta shall apply *mutatis mutandis*.

Section 68 Whoever failing to comply with paragraph three of Section 29 and Section 36 (5) shall be liable for punishment of a fine not exceeding fifty thousand Baht and an additional fine not exceeding five hundred Baht per day throughout the period of improperly compliance.

Section 69 Any manager violates or does not observe under Section 32, Second Paragraph, Section 35/2, Section 37, Fifth Paragraph and Section 42 First Paragraph, the punishment shall be a fine of not more than five thousand baht.)

Section 70 The Board Chairman whoever failing to comply with Section 37/5 and Section 38 (3) shall be liable for punishment of a fine not exceeding five thousand Baht.

Section 71 Any condominium corporate violating or failing to comply with Section 38/1, Section 38/2 and Section 38/3 shall be liable for punishment of a fine not exceeding ten thousand Baht.

In the case where a condominium corporate commits an offence under paragraph one, the respective Manager shall be liable for punishment provided for under paragraph one, as well, unless otherwise it can be proved that he takes no part in committing such offence.

Section 72 A joint owner whoever carrying on a construction, decoration of, modification on, change in or addition to his unit in violation of Section 48 (3) shall be liable for punishment of a fine not exceeding one hundred thousand Baht.

Section 73 Whoever failing to comply with an order of, obstructing against or failing to provide facilitation to a competent official performing duty under Section 60/1 shall be liable for punishment of imprisonment not exceeding three months or a fine not exceeding six thousand Baht or both.

Countersigned:

S.

Hotrakitya

Deputy

Prime

Minister