

## **Condominium Act, B.E. 2522 (1979)**

As amended until Condominium Act (No.3), B.E.2542 (1999)

**Translation**

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Enacted on the 21st Day of April B.E. 2522

Being the 34<sup>th</sup> Year of the Present Reign.

Where as the Assembly of the People's Representatives has passed a resolution that it is deemed expedient to promulgate the law on condominium.

Be it therefore enacted by the King, by and with the advice and consent of the Assembly of the People's Representatives, as follows:

### **Section 1**

This Act is called "Condominium Act, B.E. 2522 (1979)"

### **Section 2**

It shall come into force after 180 days has elapsed from its publication in Government Gazette.

### **Section 3**

All other laws, regulations and rules, in so far as they deal with matters govern by the said Acts, or are inconsistent with its provisions, shall be repealed.

### **Section 4**

In this Act

"Condominium" means the building that can be separated into units for individual ownership which include personal and common properties.

"Personal property" means condominium unit and other construction or land provided for individual unit.

"Unit" means part of the building that is separated to be owned by individual.

"Common property" means part of the building that is not the unit such as land on which the building is constructed or other properties provided for common use

"Certificate of Condominium Ownership" means important document that certifies ownership of personal property and common property

"Co-owner" means the owner of condominium unit

"Condominium" means the condominium registered under this condominium act

"Regulation" means the rules of the condominium

"Official" means the state officer appointed by the Ministry to enforce this act

"Minister" means the Minister who is in charge of this act.

### **Section 5**

The Ministry of Interior shall have power to issue Ministerial Regulations under the "Condominium Act, B.E. 2522 (1979)" with regard to the appointment of executing officers including the designation of fees not exceeding the Schedules annexed to this Act, and on other executions to serve the Ministerial Regulations issued.

Such Ministerial Regulations shall come into force upon being published in the Government Gazette.

## Condominium Registration

### Section 6

Owner of land and building, who wants to register such property to be a condominium under the provision of this Condominium Act, shall file the application of registration with the official supporting by the following documents:

- (1) Land title deed
- (2) Building map
- (3) Ownership ratio to common property held by individual owner under Section 14
- (4) Description of unit, personal property and common property
- (5) Testimonial of the applicant to certify that the building being applied for registration is not mortgaged except that such mortgage was made to the building with the land altogether
- (6) Other evidence prescribed under Section 7

### Section 7

After the Official received the application of registration under Section 6, if it appears to have the mortgage creditor, or the preferential creditor over the land and building on the land title deed, the registration official shall announce such application and to serve on the application to the creditors thereof to contact the official with supporting documents within thirty days from the date of being notified.

To execute under this Act, the official has the power to enter into the land and building for inspection during the period between sunrise and sunset and to power to order any person to testify or to submit any necessary documents. The official shall be regarded as the official under criminal act.

After the official is of satisfaction that the land is free from any binding, or the mortgage creditor has no objection against registration of condominium, the official shall accept the application.

However, if the building has been mortgaged without the land, the application shall not be accepted for registration. In such case the official shall notify without delay the applicant of the reason denying the application.

In case the registration is accepted, the registration of any condominium shall be published in the Government Gazette.

### Section 8

The application of registration under Section 7 shall be subject to the procedures under this Act.

### Section 9

After the application accepted by the official, the land title deed presented under Section 6 shall be forwarded to the local land official of the jurisdiction over such condominium is situated within fifteen day after the registration has been made. The land title deed shall be recorded as being under this Condominium Act. In case the land is mortgaged, and the mortgage creditor concurred to the registration, such land title deed shall be kept at the Land Department by endorsing such concurrence at the back of the deed under the provision in Section 7 paragraph three and with the amount of money the mortgage creditor shall be paid by each condominium unit under Section 22.

### Section 10

When the registration completed and the endorsement was made under Section 9, no further legal act or recording of rights against such land deed shall be made, except for the provision under this Act. Any further obligation registration of the condominium shall not be made.

### **Section 11**

If the official has denial order to reject the application of registration, the applicant has the right to appeal such order by filing the motion in writing to the Ministry within thirty day after the order is notified to him.

The appeal motion shall be considered by the Minister within sixty day after the receipt of such appellant, and the Ministry judgment shall be final.

## **Condominium Ownership**

### **Section 12**

The condominium ownership is indivisible.

### **Section 13**

Unit owner has the ownership right in his personal property and the co-ownership right in the common property.

Unit floor, connecting walls separating units shall be deemed as shared property between the two units thereto. Utilization of such property shall be governed by the Regulation.

Unit owner shall not conduct any act against his personal property that may impact the construction structure, protection system, or any other restrictions prescribed in the Regulation.

### **Section 14**

Ownership of the common property partly held by unit owner shall be in line with the ratio represented by each condo unit to the overall value of all units in the condominium building upon the time of registration under Section 6.

### **Section 15**

Following properties shall be deemed as common property:

- (1) Land on which is building is constructed
- (2) Land provided for common utilization
- (3) Structure and construction of the building to protect the damage of the condominium
- (4) Building or part of the building and equipment provided for common use
- (5) Machines and tools provided for common use
- (6) Facilities and services provided for common use
- (7) Other properties provided for common use or common interests

### **Section 16**

Common property which is immovable property shall not be sued or mortgaged or executed for auction sale separately from the personal property.

### **Section 17**

Management and utilization of common property shall be compliant to the Regulation or this Condominium Act.

### **Section 18**

Co-owners shall contribute all relevant expenses occurred from the services provided, expense from maintenance of tools, equipment, calculated from the ownership ratio set forth in the Regulation. Co-owners shall contribute all duties and taxes, repair and maintenance costs of the common property based on the ratio represented in common property under Section 14.

### **Section 19**

Alien person, or alien juristic person, may own condominium unit provided that such alien person or alien juristic person of the following qualifications:

- (1) Alien person permitted to resident in the Kingdom under Immigration Law.
- (2) Immigrants permitted to enter the Kingdom under BOI law.
- (3) Registered Alien Juristic Person under Section 97 and 98 of the Registered Land Code to become Thai Juristic Person.
- (4) Alien Juristic Person which has been qualified under the Announcement of The Revolution Committee No. 281 dated 24 November B.E. 2515 and the Certificate of BOI granted under BOI Law.
- (5) Alien or Alien Juristic Person who brought foreign currency into the Kingdom or withdrew the money from their bank account in Baht currency of foreign residents, or withdrew their deposit bank account from foreign bank.

### **Section 19 bis**

Each condominium may have aliens and/ or juristic persons stated in Section 19 holding the ownership in apartments altogether not more than forty nine percent of the total space of apartments in such condominium at the time of applying for registration of condominium under Section 6.

Any condominium which have aliens and/ or juristic persons stated in Section 19 holding the ownership in apartments more than the ratio specified in the first paragraph must be located in Bangkok Metropolis, municipalities or other local administrative areas as prescribed in the Ministerial Regulations. And land area where the condominium is located plus land area provided for use joint benefits of joint-owners must not exceed 5 rais.

To obtain the ownership in apartments under the second paragraph by aliens and juristic persons stated in Section 19 shall be in accordance with the rules, procedures and conditions prescribed in the Ministerial Regulations.

### **Section 19 ter**

Transfer of the condo unit to alien person or alien juristic person under Section 19, the applicant of transfer shall report the name of the alien person or alien juristic person qualified under Section 19 and the ratio of ownership already held by the alien person or alien juristic person to the registration official. The alien person or alien juristic person shall also be required to present the following evidences to the register official:

- (1) For the alien prescribed under Section 19 (1), shall present the evident permit him to be the residents of the Kingdom under Immigration Law.
- (2) For the alien prescribed under Section 19 (2), shall present the evident permit him to immigrate into the Kingdom under BOI Law.
- (3) For the alien juristic person under Section 19 (3), shall present the evident of juristic identity registration under Thai Law.
- (4) For the alien juristic person under Section 19 (4), shall present the Certificate of BOI under the BOI Law.
- (5) For the alien person or alien juristic person under Section 19 (5), shall present the evident of bringing in the foreign currency or the withdrawal evidence of the Thai Baht Account from the foreign bank account of the Thai resided outside the Kingdom, at the amount not less than the value of condo unit being transferred.

### **Section 19 quarter**

After the evidences required under Section 19 ter have been received, and proved to be correct, and provided that the ownership ratio held or to be held by the alien person or alien juristic person are not exceeding the percentage set forth in Section 19 bis, first

paragraph, or within the principle of Section 19 second and third paragraphs, the official shall register the transfer of the condo unit thereof according to the procedures under Title 4 to the alien ownership or to the alien or alien juristic person applying the registration.

### **Section 19 quinque**

The alien person or alien juristic person under Section 19 may sell his condo unit under the followings:

- (1) In case that the condo unit was devolved on the heirs to alien person or the unit was devolved on other causes as the case may be, and the ownership ratio by alien is already exceeding the ratio as prescribed under Section 19 bis paragraph one, or Section 19 bis second paragraph, or second paragraph.
- (2) If the alien under Section 19 (1) whose residential right in the Kingdom was revoked.
- (3) If the alien under Section 19 (1) (2) and (5) was order to banish out of the Kingdom.
- (4) If the alien under Section 19 (2) was not permitted to resided in the Kingdom.
- (5) If the alien juristic person under Section 19 (4) whose BOI Certificate was revoked.

In case of selling the condo unit, the alien person or alien juristic person because of the law enforcement above, the condo owner shall report such sale to the official in writing within 60 days from the date of the must sale incurred.

The sale in (1) shall be only the condo unit in excess of the limit ownership ratio. The sale in (2) (3) (4) and (5) must be made to all condo units in his possession.

The sale of condo unit under paragraph 3 must be made within the period of one year from the date of acquisition of condo unit ownership or from the date the residential permit was revoked or the person was banished, or the resided license is not valid, or the date that the BOI Certificate was withdrawn as the case may be. If the condo unit was not sold within the given time, the Director of Land Department shall have the right to sell the unit thereto. In this case the law enforcing to dispose land under Title 3 of the Land Act and other relevant laws shall be applied mutatis mutandis.

### **Section 19 sex**

Where the competent official revokes the resident permit for the alien person or if it appears that the residential permit is not valid for the person referred to under Section 19 (1) or the official banishes the alien person under Section 19 (1) (2) or (5) or the official withdrew the residential permit to alien under Section 19 (2) or the BOI Certificate was withdrawn from the alien juristic person under Section 19 (4) as the case may be, the competent official shall report the Director of Land Department within 60 days from the date of issue of the order or from the date of the fact was disclosed.

### **Section 19 septem**

All aliens not prescribed under Section 19 who receives the condo unit either by heirs or by any other ways, shall have to report the matter to the official within 60 days from the date of receiving such property and must sell this property within one year from the date he receive it, otherwise, the provision under Section 19 quinque shall be applied mutatis mutandis.

### **Section 19 octo**

The ownership of condo unit by the a Thai person who later on lost his Thai Nationality, under the Section 19 of the Alien Act, and he wants to continue his ownership of the condominium unit thereof, shall have to report in writing to the losing of his Thai Nationality to the competent official. He also has to present the evidences to verify his status under Section 19 within 180 days from the day of losing Thai Nationality. However, if the person under the first paragraph does not to possess the condo unit anymore, he shall have to report his possession of such condo unit to the official within sixty days after

his Thai Nationality has lost. Otherwise, the provision of Section 19 quinqué shall be applied *mutatis mutandis*.

### **Section 19 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 quinqué 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 quinqué shall apply *mutatis mutandis*.

### **Section 19 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 quinqué shall apply *mutatis mutandis*.

### **Section 19 undecim**

For juristic 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 quinqué shall apply *mutatis mutandis*.

If the juristic person under the first paragraph does 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 quinqué shall apply *mutatis mutandis*.

### **Section 19 duodecim**

An alien or juristic person regarded by law as alien who has the duty to notify the Competent Official of the disposition of apartment under Section 19 quinqué or acquisition

of ownership of apartment under section 19 septem or the loss of Thai nationality under Section 19 octo and Section 19 novem or change of nature of juristic person under Section 19 decem and Section 19 undecim, as the case may be, who fails to notify the Competent Official within the time prescribed, shall be imposed a fine of not exceeding Baht Five Hundred per day throughout the period of violation.

### **Section 19 tredecim**

Any person who holds ownership of apartment as the owner for an alien or for a juristic person regarded by law as an alien, whether such alien or juristic person has the right to hold ownership of apartment under this Act or not, shall be imposed an imprisonment of not exceeding two years or a fine of not exceeding Baht Twenty Thousand or both and the provisions of the fourth paragraph of Section 19 quinque shall apply *mutatis mutandis*.

Where there is doubt that any person acquires ownership of apartment in violation of the provisions of this Act, the Competent Official shall have the power to make investigations and summon the concerned persons to testify or to submit related documents and evidences for consideration as necessary.

Any person who violates or does not comply with the provisions of the second paragraph shall be imposed an imprisonment of not exceeding three months or a fine of not exceeding Baht Six Thousand or both.

## **Ownership Certificate**

### **Section 20**

After the condominium was registered under Section 7, the registration officer shall issue the ownership certificates according to the section map of condominium building showing detailed units in the building without delay.

Registration of ownership right and legal act shall not be made until the condominium was registered under Section 31 except for the removing of a mortgage under Section 22 or the transfer of the entire units to a single person or many persons by holding common right of ownership.

### **Section 21**

At least the following materialized contents shall be shown in the Certificate of Ownership:

- (1) Land location and land area of the condominium
- (2) Location, space and map of the condominium unit showing width, length and height
- (3) Ownership ratio representing in common property
- (4) Name and surname of the unit's owner
- (5) Contents for ownership registration and legal act
- (6) Signatory of the registrar
- (7) Official position stamp

The Certificate of Ownership shall be produced in duplicate. One copy is retained by the unit's owner and the other copy retained at the official's office. The copy retained at the official's office can be photo copy which must be affixed with official stamp and signatory.

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**

Where the immovable property under Section 15 (1) or (2) was bound with any mortgage before the condominium is registered, but the mortgage creditor gave his consent to

registration under Section 7 paragraph three, when the Certificate of Ownership was issued, the official just endorse such mortgage in every copy of the Certificate of Ownership stating the amount of money which shall be received by the mortgage creditor based on the calculation of ownership ratio representing in common property of the unit thereof.

Where the Certificate of Ownership was issued under the first paragraph, each condominium unit shall be deemed as the guarantee of the mortgage only the part that being endorsed.

### **Section 23**

Where the official registered the mortgage in the Certificate of Ownership under Section 22, the first sale of the condominium unit thereof, shall be free from mortgage binding.

### **Section 24**

Where the Certificate of Ownership, registration of ownership right and legal act relating the unit or the contents for registration of the unit thereof are unlawful, the official shall amend the incorrect and or revoke the certificate as the case may be.

The competent official has the right to investigate the cause of such error. However, the official shall notify the finding to the interested persons prior to issuance the order of revoke or amendment at least not less than fifteen days to allow any petition. If there is no petition appears within 30 days, it is regarded that no petition. The official has the right to issue the substitute of Certificate of Ownership if the original copy was missing or unobtainable.

After the official considered the matter according to paragraph one, the matter shall be executed according to the decision of the officer thereof. However, if the Court has different judgment or order, the matter shall be complied with the judgment or order of the Court.

### **Section 25**

In case of loss or damage to the Certificate of Ownership, a substitute copy can be requested by the unit's owner.

### **Section 26**

Where the substitute copy was issued under Section 24 or Section 25, the original copy shall be cancelled, except otherwise order by the Court.

### **Section 27**

Where the copy retained at the official office is missing or loss in materialized contents, the official shall request the copy retained by unit's owner to consider and produce another copy based on the original evidence.

## **Registration of Ownership and Legal Act**

### **Section 28**

The official under this Condominium Act is the registrar official relating condominium unit ownership and legal act.

### **Section 29**

Registration relating condominium ownership or legal act shall be made with the registrar by bringing the Certificate of Ownership to the official.

Where the registration of legal act concerning transfer of ownership of the condominium unit, the applicant shall submit the Debt Certificate issued by the juristic person manager of the condominium for the expenses under Section 18 certifying the condominium unit



being transferred is free from any outstanding debts. Transfer of condominium unit shall be made only the unit has no outstanding debts.

The official may invite the juristic person manager to testify on the debts of the unit thereto under paragraph two. However, the provision under paragraph two shall not apply to the transfer made before the registration of the condominium.

### **Section 30**

The provision under the Land Code Section 6 on the Land Registration, and the Ministerial Regulations issued under the Code thereof, shall be applied to enforce the legal act registration of the condominium unit mutatis mutandis.

## **Juristic Condominium**

### **Section 31**

Transfer of condominium unit to any person which is not the transfer of all ownership of the entire condominium to one person or many persons shall be made on the condition that the transferor and the transferee present the application of transfer and application of registration simultaneously to the registrar official with the copy of registration procedure of the condominium.

Where the official is of opinion that the application is correct, the registrations of transfer in paragraph one shall be executed and the transfer shall be published in the Government Gazette.

### **Section 32**

Condominium Regulation shall contain the following information as the least.

- (1) Name of the condominium must contain juristic condominium or condominium juristic person.
- (2) Objectives of the condominium.
- (3) Condominium building location and/or address.
- (4) Expense to be contributed by co-owners in advance.
- (5) List of common property in addition to those appeared under Section 15, if any.
- (6) Management of common property
- (7) Use of personal and common properties.
- (8) Ownership ratio represent to the common property upon the registration of the condominium.
- (9) Convening the general meeting and meeting procedure.
- (10) Total expense ratio shared by co-owners under Section 18.
- (11) Appointment, powers and duties, term in office, retirement of the juristic person manager.
- (12) Other statements prescribed in the Ministerial Regulation covering the registered regulation or amendment of the registered regulation with the official.

### **Section 33**

The condominium which has been registered shall be regarded as a juristic person who has the administration and management to achieve the registered objectives by means of the resolution passed by co-owners and under the provision of Condominium Act.

### **Section 34**

In case the condominium is partly expropriated by law, the owners of that part of the condominium building shall be terminated from the right in the remaining common properties. In such case, the juristic person shall organize all other co-owners whose units

not appropriated jointly recover to the owners losing their rights based on the ratio of individual unit representing to the common property.

In the interest of the recover in paragraph one, the debt to be paid shall be the preferential debt over the personal property of the remaining units from land appropriation similar to the expense under Section 18 paragraph two.

### **Section 35**

The condominium shall elect one manager which can be either a normal person or juristic person. In case that the manager is a juristic person, a normal person shall be appointed to represent the juristic person to act as the manager.

### **Section 36**

Powers and duties of the manager consist of the following:

- (1) Performs administrative functions to achieve the objectives set under Section 33 or the resolution made in the general meeting or the committee meeting under Section 37, however, without inconsistent to the regulation.
- (2) In case of emergency and necessity, the manager has the power to handle the situation for the safety of the building with his own initiative, in the same manner as a person of ordinary prudence would care to maintain his own property.
- (3) Acts as the representative of the condominium.
- (4) Performs other functions prescribed in the Ministerial Regulation. The manager shall perform his own function in his person except the functions resolved in the general meeting under Section 48 (3) setting permission for the manager to assign the function to be performed by his representative.

### **Section 37**

A Management Committee of not exceeding 9 members can be appointed by co-owners to oversee the administration of the condominium in the general meeting under Section 44.

Appointment, office term, termination, powers and duties and meeting procedure of the management committee shall be resolved by the general meeting under Section 44

### **Section 38**

Person of following qualifications can be elected to be the management committee.

- (1) Co-owner or co-owner's spouse.
- (2) Legal representative, curator, or custodian in case that the co-owner is a minor or incompetent person or person of quasi-incompetent, as the case may be.
- (3) Manager or other representative if the co-owner is a juristic person.

### **Section 39**

The juristic person may extend co-owners' right to the entire common property in defending outside person, or demanding any property in the best interest of co-owners.

### **Section 40**

Co-owners shall contribute their money for condominium operation in the following expenses:

- (1) Advance money to be paid by every unit.
- (2) Fund to be spent on specific matter according to the resolution in general meeting or regulation.
- (3) Other funds as resolved in the general meeting at the amount prescribed.

### **Section 41**

For the interest of forcing compulsory performance of the debts from expenses under Section 18, the juristic person has the preferential right as follows:

- (1) Preferential right to the debt under Section 18 paragraph one shall be regarded as equaling preferential right under Section 259 (1) of the Civil and Commercial Code and over the personal moveable property kept in condo unit.
- (2) Preferential right to the debt under Section 18 paragraph two shall be regarded as equaling preferential right under Section 273 (1) of the Civil and Commercial Code and over the personal property.

The preferential right in (2), if presented to the official by the juristic person manager, shall be prioritized before mortgage creditor.

#### **Section 42**

The meeting for co-owners is called the first general meeting to be conducted within 6 month from the date the condominium was registered. Next general meeting shall be held at least once a year.

#### **Section 43**

In each general meeting, the present co-owners to the meeting must be at least one-thirds of the total vote to constitute the quorum.

#### **Section 44**

Resolution of the general meeting must be approved by the majority vote of the present co-owner in the meeting except otherwise prescribed by the Condominium Act.

#### **Section 45**

Voting by individual owner, shall be equaled to the ownership ratio represented to common property.

If one owner has the right equaling to the total vote of all remaining owners, the ownership ratio of the single owner shall be reduced to equal the sum of other owners' right.

#### **Section 46**

If the regulation sets that only some owners have to pay a certain expense for specific matter, those related owners shall have the right of vote on the matter thereof. Each owner has the right of vote equaled to his ownership ratio represented to the common property prescribed under Section 18 paragraph one.

#### **Section 47**

Co-owner may assign his proxy to vote on behalf of him. One proxy shall not represent more than three co-owners. The juristic manager or his spouse shall not be the chairman of the meeting and shall not be the proxy of any owner.

#### **Section 48**

The resolution on the following matters requires the majority votes of all co-owners in the condominium.

- (1) Permission granting to any co-owner to extend, modify which may impact the common area or external appearance of the building even by his own expense.
- (2) Appointment or dismissal of the juristic person manager.
- (3) Setting the manager functions that can be assigned to his representative.

If the present co-owners are not qualified to be the majority vote in paragraph one, the second meeting shall be reorganized within 15 days from the first meeting. The resolution in the latter meeting shall be counted from the majority vote of the present owners in the meeting.

### **Section 49**

The resolution on the following matters requires three-fourths of all co-owners' votes in the condominium.

- (1) Correction or adjustment of common area expense under Section 32 (10).
- (2) Procuring or receiving of immovable property which binding common property.
- (3) Correction of regulation that govern the use of or the administration to common property.
- (4) Construction that effect the change of common property, renovation or extension to be made to common property that is not covered by the regulation.
- (5) Disposal of common property that is an immovable property.

### **Section 50**

In case of total damage or partial damage to the building but the damage is larger than 50% of the building, and if the owners resolved under Section 48 to rebuild or renovate the building in the part of the damage, the juristic person shall repair or renovate the damage portion thereof without delay.

In case of partial damage and the damage is less than 50% of the building and the majority of units' owners suffered resolved that the damage shall be restored, the juristic person shall restore the damage portion thereof without delay.

Cost of repair or renovation to the damaged area which is common area shall be shared by every co-owner in the building based on the ownership ratio represented in common property. Cost of repair to damaged personal property shall be the expense of individual unit.

New condominium units rebuilt under paragraph one or paragraph two shall be regarded as replacing units to originals. The original Certificate of Ownership shall belong to the rebuilt units. If any details in the Certificate do not match with the rebuilt unit, the competent official has the right to correct the contents in the Certificate. If co-owners resolved that the damaged units shall not be restored according to paragraph one or paragraph two, the provision under Section 34 shall be applied mutatis mutandis.

After the owners of damaged units, whose units are not rebuilt, received the compensation of common property from other owners, the Certificate of Ownership shall be revoked and must be returned to the official within 30 days from the date of receiving the compensation thereto. The official shall endorse the reason for revoking the Certificate in complete set of document duplicate and retain the Certificate at the office of registration. Cancellation of the certificate thereto shall be published in the Government Gazette.

## **Termination of Condominium**

### **Section 51**

The registered condominium may be terminated by one of the following causes:

- (1) If the condominium is not registered, the applicant or the transferee of ownership, request the termination of the condominium as the case may be.
- (2) Co-owners unanimously resolve the termination.
- (3) Total loss or damage of the building and the co-owners resolved that the condominium shall not be rebuilt.
- (4) Total condominium building is expropriated by law.

## **Section 52**

In case that the condominium was terminated under Section 51 (1), the applicant shall apply the registration of termination by using the application form set forth by the Minister and submitted to the registrar.

After the registrar official considers that the application is correct, the official shall record the termination registration and publicize the termination in Government Gazette.

After termination is registered, the provision under Section 54 and Section 55 shall be applied *mutatis mutandis*.

## **Section 53**

In the case that the condominium was terminated under Section 51 (2) or (3), the juristic person manager shall apply the termination application form designated by the Minister together with Certificate of Ownership and the copy of the minutes of the general meeting in which the termination of condominium was resolved or the resolution not to rebuild the condominium was taken which have been certified correct by the manager as the case may be within 30 days from the date of the general meeting.

Where the application, the certificates of ownership and the minutes of the general meeting found correct, the official shall proceed with the registration of condominium termination accordingly. The termination of condominium shall be published in the Government Gazette.

## **Section 54**

After the termination of condominium was registered under Section 52 or Section 53, all Certificates of Ownership of such condominium shall be revoked. Reason for revoke shall be endorse at the back of every copy of the certificate. All revoked copies shall be retained with the registrar's office.

The competent officer has the power to summon the owner copy of the revoked certificate from co-owner or occupant of the condominium unit referred to in paragraph one. The unit owner or occupant of the unit thereof shall submit the certificate (owner's copy) to the official within 30 days from the date the summon was received.

## **Section 55**

The official shall forward the revoked certificate and supporting documents retained at his office to the office of Local Land Department to record such termination in the original contents of the land title deeds showing co-owner's name appeared in the application of termination to be the joint owner of the land at the ratio represented in common property together with any bound obligations stated in each Certificate of Ownership.

After the official endorsed the termination under paragraph one in the land title deed, this land shall not be under the enforcement of this Condominium Act any longer. The land title deed shall be returned to its owner.

\*Alien or person specified under Section 19 whose name appeared to be the co-owner of the terminated condominium under paragraph one, shall have to sell the land on his part to other person within one year from the date of termination was registered. Otherwise, the provision under Section 19 quinqué paragraph four shall be applied *mutatis mutandis*.

## **Section 56**

In case the termination was caused by Section 51 (4), the Certificate of Ownership of the condominium shall be revoked. The official shall record the registration of termination and publish such termination in the Government Gazette.

Further to the first paragraph, the record of termination in the original contents of Land Title Deed and the original copy of the Certificate of Ownership shall be executed according to the procedure set forth in the Ministerial Regulation.

### **Section 57**

Where the registration of termination becomes effective, the condominium operation shall be terminated accordingly. The general meeting of co-owner shall appoint the liquidator within fourteen days from the date of registration of termination.

### **Section 58**

The liquidator has the power to dispose off the movable common properties unless resolved otherwise by the general meeting.

### **Section 59**

The provision of the Civil and Commercial Code, Title 22 Partnership and Corporate, Division 5 Liquidation of Registered Partnership, Limited Partnership, and Limited Corporation shall be applied to Condominium liquidation *mutatis mutandis*.

### **Section 60**

After liquidation is completed, the remaining property, if any, shall be shared among co-owners based on the ownership ratio represented in the common property.

## **Fees and Expenses**

### **Section 61**

Fees and expenses on application and registration of condominium establishment, application and registration of condominium termination, amendments of condominium regulation, issuance of original and substitution copy of the certificate of ownership, application and registration on legal act concerning condominium unit shall be borne by the applicant at the amount prescribed in the following Section.

### **Section 62**

The provision under the Land Code, Title 11 on Fees Section 104, 105 and 106 shall be applied to this Condominium 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 linqere 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 compliances.

### **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 by S. Hortrakit as Deputy Prime Minister

**Remarks:** The reason for promulgating this Act is: Whereas the Condominium Act, B. E. 2522 has been in force for quite a long time and it appears that many rules and details, practically, cannot be put into force and are not adequate for use in providing protections over the people purchasing the condominium units for dwelling purpose, therefore, it is expedient to revise the provisions under this Act in order to solve the problem arising out of the law enforcements and to provide protections over the people purchasing the condominium units for dwelling purpose, with more efficiency including the expediency to reasonably adjust the rates of fees and expenses. Therefore, it is necessary to enact this Act.

## Fees and Expenses

<u>Name of Proceedings</u>	<u>Fees</u>	
(1) Registration of condominium	500.00	Baht/copy
(2) Termination of condominium	500.00	Baht/Copy
(3) Registration of juristic person	500.00	Baht/Copy
(4) Amendments of regulation	100.00	Baht/Copy
(5) Issuance of certificate of ownership or Substitution copy	100.00	Baht/Unit
(6) Legal right or legal act		
a. 2% of the value but not less than	20.00	Baht
b. no value of right and act	20.00	Baht
(7) Sundry other fees		
(1) Application form	2.00	Baht
(2) Copying of document including taking evidence copy by the land officer	5.00	Baht/Page
(3) Certifying the copy taken	5.00	Baht/Copy
(4) Inspection of the ownership	10.00	Baht/Unit
(5) Accepting the attachment of condo unit	10.00	Baht/Unit
(8) Expenses		
(1) Posting announcement	10.00	Baht/Notice
(2) Witness fee	2.00	Baht/Person

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**Note:** The reasons for the announcement of this Condominium Act come into force due to the arising problems and conflicts of the residence in urban areas have been increased and the ownership rights in the immovable property system under the provision of the Civil and Commercial Code could not cover the incidents incurred and to effectively responding the need of the residents in the same building or condominium having indivisible property. This Condominium Act is setting up the ownership system in condominium unit to govern all common residents in the same condominium to hold individual ownership separately from the other persons. At the same time it enables fair contribution of expense sharing. In addition, the establishment of many condominiums now can be organized and administrated under the rules that developed to ensure confidence to buyers of condominium units.

### **Condominium Act No. 2, B.E. 2534**

Note: The reason for releasing of this Condominium Act was to permit alien person or alien juristic person buying condominium to support foreign investment. Published in Government Gazette No. 2534/171/1por/30 dated September 1991.

### **Condominium Act No. 3 B.E. 2542**

Section 9 After the period of 5 years elapsed from the date of this Condominium Act becomes in enforcement, the statement in paragraph two of the Section 19 bis under the Condominium Act B.E. 2522, shall be cancelled and amended by this Condominium Act. The alien or alien juristic person who is under Section 19, and received the unit from the transfer from other alien or alien juristic person, is entitle to possess the unit further even though the limitation under Section 19 bis paragraph one is over limit.



Note: The reason for releasing this Condominium Act was that, "It is appropriate to amend the method of possessing of condominium unit by alien person or alien juristic person to be in line with the Foreign Currency Control Act in which the measures controlling imported foreign currency were updated. The new rule governs all imported currency by alien must deposit into or sell these foreign currencies to the authorized banks. The percentage of ownership held by aliens in the condominium was also amended to facilitate more buying power and at the same time to strengthen the investment in the property business sector. Moreover, the Constitution Law of the Kingdom also promotes the liberty of people and any law restricting freedom should be more flexible to harmonize to Section 335 (1) of the Constitution Law of Thailand.

Published in the Government Gazette No. 2542/31 Kor 1/ dd. 27 April 1999.

**Ministerial Regulation No. 8 (B.E. 2543) issued by the virtue of the Condominium Act B.E. 2522**

Government Gazette No. 117 dated 4 October 2000

By the virtue of Section 5 of the Condominium Act B.E. 2522 and Section 19 bis paragraph two amended by the Condominium Act No. 3 B.E. 2542, the Minister of Interior, hereby announces the following Ministerial Regulation as follows:

Pattaya City shall be classified as other local government zone under Section 19 bis paragraph two.

Given on the date of 29 September 2000

Wattana Asvahem

Deputy Minister of Interior

In Charge of the Minister of Interior

Note: The reason for the announcement of this Ministerial Regulation was to classify Pattaya City as another local government zone apart from Bangkok Metropolis and other municipal jurisdiction to allow alien person and alien juristic person able to possess condominium exceeding the limit of 49% of the entire area of the condominium building. In addition, the Section 19 bis paragraph two of the Condominium Act B.E. 2522 was amended by the Condominium Act No. 3 B.E. 2542 on setting other government zone, this Ministerial Regulation is, therefore, necessary.

**Ministerial Act No. 9 B.E. 2543 issued by the virtue of Condominium Act B.E. 2522**

Government Gazette No. 117 Section 91 Kor dated 4 October 2000

By the virtue of Section 5 under the Condominium Act B.E. 2522 and Section 19 bis paragraph three under the Condominium Act B.E. 2522 amended by the Condominium Act No. 3 B.E. 2542, the Minister of Interior hereby announces the following Ministerial Regulation:

1. In this Regulation "Alien" means alien person or alien juristic person classified as alien by Section 19.

2. The condominium unit that can be owned by alien at the percentage of 49%, and is now being applied for registration, shall be subject to the following regulation and procedure:
  - (1) The condominium building must have at least 40 units or more.
  - (2) The condominium must be registered over one year before application for registration by alien is applied.
  - (3) The condominium must not located in Military Safety Zone under Military Safety Zone Law.
3. The alien who occupies the condominium unit must not conduct any act against good moral or good order of the local community.
4. If any notice received from the official, the alien owner shall comply to the procedure and instruction given by the official in possessing and staying in the condominium according to the regulations and rules enforced by law.

Given on the date of 29 September 2000

Wattana Asvahem

Deputy Minister of Interior

In charge of the Minister of Interior

**Note:** Reason for giving this Ministerial Regulation was that "Further to Section 19 bis paragraph three under the Condominium Act, B.E. 2522 amended by the Condominium Act No. 3 B.E. 2542 to permit alien ownership exceeding 49% as prescribed by the Ministerial Regulation, this Ministerial Regulation; therefore, becomes necessary.

#### Disclaimer

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