

THEMATIC TITLE	LEGAL PROBLEMS REGARDING CONDOMINIUM REGISTRATION IN THAILAND
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ABSTRACT

The objective of this research is to study the legal issues relating to registration of condominium in Thailand through the comparison between the Law of the Socialist Republic of Vietnam, the Law of the Republic of the Union of Myanmar and the Land Allocation Act B.E. 2543 (2000) of Thailand, in terms of registration of a building as a condominium, types of condominiums and foreign ownership in condominiums, and to find appropriate approaches to amend the Condominium Act B.E. 2522 (1979) of Thailand.

The results show that although the Condominium Act B.E. 2522 (1979) and its amendments (No. 4) B.E. 2551 (2008) prescribe guidelines for condominium registration and condominium management, there are no clear definition and provisions on which type of building can be registered as a condominium. This is because the Condominium Act B.E. 2522 (1979) and its amendment (No. 4) B.E. 2551 (2008) only specify broad principles, resulting in a gap in the law in registering a low-rise residential building as a condominium. Since there is no clear legal provision, the relevant competent officials are obliged to register the said building as a condominium according to the applicant's request. This leads to the opportunity for foreigners to own 49% of the total area of the units in a condominium while applying for a condominium ownership registration to purchase a low-rise residential building in violation of the Investment Promotion Act B.E. 2520 (1977). In addition, allowing the registration of a low-rise residential building as a condominium also avoids applying for land allocation permission under the Land Allocation Act B.E. 2543

(2000). In this study, it is also found that the housing law of the Socialist Republic of Vietnam and the condominium law of the Republic of the Union of Myanmar contain provisions on which type of building can be registered as a condominium.

Therefore, the researcher is of the opinion that the Condominium Act B.E. 2522 (1979) of Thailand should be amended to include the clear definitions and provisions prohibiting the registration of detached houses, semi-detached houses and townhouses as condominiums. In addition, provisions on guarantees for public utilities in condominiums should be added to meet the same as land allocation law and housing laws of the Socialist Republic of Vietnam and the condominium law of the Republic of the Union of Myanmar.