

## Emergency Telephone Numbers

Emergency Services:	191
Fire Station:	038-221-000 ext 199
Sawangboriboon:	038-221-380
Mains Water Emergency :	038-222-085
Mains Electric Emergency:	038-221-007
Telephone Faults:	038-425-553, 038-427-289
Pattaya Police Station:	038-420-802-5
Banglamung Police Station:	038-221-800-1
Tourist Police Station:	038-429-317
Electricity Authority:	038-222-048
Water Authority:	038-222-462
TOT:	038-428-111
Pattaya City Hall:	038-253-100
Pattaya Memorial Hospital:	038-429-422-4
Bangkok Pattaya Hospital:	038-259-999
Pattaya International Hospital:	038-428-374-5
Banglamung Hospital:	038-422-511-2
Project Management Office:	038-072-288, 038-072-277
Immigration:	038-252-750-1
Highway Police Station:	038-425-440

Rules & Regulations  
“Pattaya Tropical” Housing Juristic Person Phase 2

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N.B This Thai to English translation of the Rules and Regulations has been prepared to provide English speaking residents with a translation of the legal Thai version. It has not been notarized and is therefore not a legal document under Thai Law.

Rules & Regulations  
“Pattaya Tropical” Housing Juristic Person Phase 2

Section 1 - General

1. The Housing Juristic Person is called “Pattaya Tropical Housing Juristic Person Phase 2” and these Rules & Regulations are called “Pattaya Tropical Housing Juristic Person Phase 2 Rules & Regulations”. The office is located at house no.322/4 Village no.5, Nongprue, Banglamung, Chon-Buri, 20150. Telephone numbers: 038-411456, 038-072277, 038-072288. Fax number: 038-411457.

2. In these Rules & Regulations:

**Housing Juristic Person** means: Pattaya Tropical Housing Juristic Person Phase 2.

**Rules & Regulations** means: Pattaya Tropical Housing Juristic Person Phase 2 Rules & Regulations”.

**Housing** means: Pattaya Tropical Housing Phase 2.

**Member** means: Any persons who have purchased land in Pattaya Tropical Housing Phase 2 and the land developer/allocator of sub-land which still has no buyer or any land transferred back to the land developer/allocator.

**Buyer of Developed/Allocated Land** means: Any person who has made a Contract with the land developer/allocator to purchase a development/allocated plot of land in Pattaya Tropical Housing Village Phase 2, including subsequent transferees of land.

**Land Developer/Allocator** means: Any person who obtains a license/permission for developing/allocating land within Pattaya Tropical Housing Village Phase 2, including any transferees of the license.

**Developed/Allocated land** means: Any land which is divided into plots within Pattaya Tropical Housing Village Phase 2 as per the site plan layout of the licensed/approved project.

**Committee** means: Pattaya Tropical Housing Juristic Person Phase 2 Committee.

**Committee Members** means: The Committee Members of Pattaya Tropical Housing Juristic Person Phase 2.

**Chairman/Chairperson** means: The Chairman/Chairperson of the Pattaya Tropical Housing Juristic Person Phase 2 Committee.

**Office** means: Pattaya Tropical Housing Juristic Person Phase 2 Office.

3. These Rules & Regulations come into force from the date of registration of Pattaya Tropical Housing Juristic Person Phase 2 and upon receipt of the utility properties and public services transfer from the land developer/allocator.

4. Apart from the Rules & Regulations shown here, the Land Development Act B.E.2543, any Ministerial Regulations, any Regulations of the Public Land Allocation Committee B.E.2545 and any other Relevant or Related Laws are Enforceable as Rules and Regulations of Pattaya Tropical Housing Juristic Person Phase 2.

## Section 2 - Objectives

5. The Pattaya Tropical Housing Juristic Person Phase 2 Committees objectives are to be transferred any land which is a Public Utility and Public Service established by any Land Developer/Allocator as per the Licensed/Approved project plan. To manage and to maintain in a good state of repair any such land and services for the benefit of the Housing Members. The Pattaya Tropical Housing Juristic Person Phase 2 has the Authority to act as per the aforementioned objectives under the Provision of Land Allocation Act B.E.2543 as follows:

(1) To provide and enforce Rules & Regulations with regard to the use of Public Utilities and Public Services.

(2) To provide and enforce rules & regulations with regard to general behavior and driving standards within and upon allocated lands within the village.

(3) To provide, manage and maintain to a good state of repair all public utilities and public services within Pattaya Tropical Housing Village Phase 2 so that all Housing Members can use and benefit from the aforementioned at all times.

(4) To collect the Service/Maintenance Fees from Housing Members and levy fines and penalties as deemed appropriate by the Pattaya Tropical Housing Juristic Person Phase 2 Committee, upon Housing Members who refuse to pay or do not pay within the agreed time frame.

(5) To provide Public Services for the general welfare of Housing Members, to allocate public properties for public benefit and also provide insurance policies for the said public areas.

(6) To file a complaint or be a plaintiff in the name of Housing Members regarding any case which affects rights of or any property belonging too a minimum of at least ten House Members.

(7) To perform any legal action deemed necessary in order to collect outstanding Service/Maintenance Fees from Housing Members who have refused to pay or have not paid within the agreed time frame.

(8) To contact and employ/hire any person or Juristic Person, Government Organization, related state enterprises, private companies or professional individuals etc, in order to maintain any services and/or properties.

(9) To act under the Ministerial Regulations of the Public Land Administration Committee by virtue of the Land Allocation Act B.E.2543 and under the Ministerial Regulations B.E.2545 upon registering the Housing Juristic Committee Phase 2 for the use and provision of public properties and services within the village.

With regard to sub-sections (1), (2) & (5) the Committee must gain a Resolution from a General Meeting, whereby the vote must not be less than a  $\frac{3}{4}$  or 75% majority from the Housing Members in attendance.

### Section 3 - Public Properties

6. The public properties of the village are any land areas which are not provided for sale or land areas upon which are public utilities and public services provided for the use of village residents, or the following properties:

(1) All constructions on and beneath lands which are part of the public utilities and public services lands which are not provided for sale, such as a club house, a passage around a club house, a swimming pool, the water supply system, the electricity system, the telephone system, a Pattaya Tropical Housing Juristic Person Phase 2 Office, guard-houses, footpaths, street lamps, entry and exit paths for village residents, etc.

(2) Any Properties which Pattaya Tropical Housing Juristic Person Phase 2 has subsequently purchased using common funds, for the use of by and benefit of Housing Members.

7. The Committee has the authority and duty to comply with any Provision contained within these Rules and Regulations, including the rights to impose rules and regulations, transitory provisions and/or any other additional rules and regulations when deemed necessary. To set out security protocol and security systems, to provide security guards and monitor and restrict if necessary entry and exit to and from the village. To perform any other necessary tasks, such as hiring staff (special positions other than those provided for in the budget), to hire persons for specialist tasks such as Accountancy provided that the costs are approved and deemed appropriate for the said task.

8. In the case whereby land areas which are public properties are partly expropriated under the expropriation law, the Committee has the right to perform any action deemed necessary on behalf of the Housing Members.

9. Pattaya Tropical Housing Juristic Person Phase 2 gives the rights to the owners of any lands in the village, or the elected juristic Committee, to perform any action for the benefit of village residents by going up against any third party to claim the rights to, or to take/claim back any public properties or services that have been denied, removed or infringed upon. This can include legal action, law suits, suing for damages, complaints to the police, forming a compromise etc.

10. The Committee has the responsibility to ensure that a fire insurance policy along with any other relevant insurance policy is in place to protect (insurable) public properties. The policies must be placed with a credible and recognized insurance company and the fee must be representative of the real insurance market price. The expenses are to be paid from the village funds. The Juristic Person is to be the insured on behalf of the village and the beneficiary of the insurance policy.

11. The Committee is responsible for the maintenance and repairing of public property. The expenses incurred from maintenance and repair are to be paid from the village fund or from any insurance compensation (where appropriate). In the event that any compensation insurance is less than the costs incurred for any repair then the balance can be paid from the village fund.

12. In the case that a public property is totally destroyed, the Committee must call for a General Meeting of all Housing Members to vote on whether or not to rebuild or reconstruct the said public property. In the case whereby a resolution to rebuild/reconstruct is passed, the Committee by means of obtaining at least three quotations can then instruct a suitable contractor to carry out the rebuilding works. The expenses incurred for rebuilding work shall be paid from any insurance compensation monies and/or the village fund. In the instance where the monies from any insurance compensation combined with the village fund are insufficient then the balance of money owed and outstanding shall be divided equally between and collected from all Housing Members.

13. Regarding the use of public properties and services, the Committee has the right to ensure that owners, their guests and residents who use public properties and services, Comply with the Rules and Regulations as follows:

(1) The owners, their guests and residents must not misuse or abuse public properties and must treat public property with respect and according to the Rules and Regulations. If owners, their guests and residents do not comply with the Rules and Regulations and are found or known to have damaged or misused public property then the Committee has the right to prohibit and exclude such persons until they comply.

(2) The Committee has the rights to forbid any person/persons who act or dress inappropriately from entering the village and any public areas of the village. The Committee also has the right to have any such person/persons removed from the village or any public areas. All rights are reserved by the Committee at all times.

(3) No person/persons who are infected with any contagious disease may use any public properties at any time.

(4) The Committee has the right to add additional rules to the aforementioned Rules and Regulations at any time, provided that any such rules are relevant and appropriate. Any new rules have to announced publicly so that owners, their guests and residents are aware of them and can therefore comply with any such additional rules.

#### Section 4 - The Committee and the Committee's Meeting

14. The Housing Juristic Person's Committee Phase 2 is the legal manager of the Housing Juristic Person Phase 2 and is under the regulation of the Housing Juristic Person, controlled by the general meeting of Housing Members. The Housing Juristic Person's Committee Phase 2 is the representative for performing any action/s relating to any third party.

15. The Committee consists of a Committee Chairman/person and a Committee of at least five persons but with no more than seven persons who are to be elected by the majority vote and resolution of a General Meeting.

16. The following persons are eligible to become Committee Members:

(1) Housing Member or a Members Spouse.

(2) The Legal representative, guardian or curator of any Member who is incapacitated or otherwise incapable of representing themselves.

(3) Director or Legal Agent of a Thai Company, if the said Thai Company is in fact a Housing Member whereby the Company owns Allocated Land within the Village.

17. The Committees term of office is for a period of two years from the date of registering the Housing Juristic Person Committee. At least one month prior to the end of the two year term, the Committee must hold a General Meeting to vote for and re-appoint the existing Committee or vote for and appoint a new Committee.

18. The authority and duty of the Pattaya Tropical Housing Juristic Person Phase 2 Committee are as follows:

(1) To enforce and apply any Rules & Regulations and manage any business of the

Juristic Person pursuant to the Land Allocation Act B.E.2543. To enforce any additional Rules and Regulations formed by way of the Committee's majority vote or enforce any Rules and Regulations formed by the vote and resolution of a General Meeting.

(2) To decide upon and form any policies, Rules and Regulations needed to manage the Housing Juristic Person and to give any such policies, Rules and Regulations to the management sector so that they can follow, practice and perform their duties according any such policies, Rules and Regulations.

(3) To control, administer and manage the running of Pattaya Tropical Housing Juristic Person Phase 2 and ensure that the Rules and Regulations, statutory legal requirements and any resolutions of a General Meeting are complied with.

(4) To approve any day to day expenditure and also any essential expenditure which falls outside of the regular monthly budget.

(5) To consider and resolve any dispute or disagreement which may occur within the village. If necessary propose to any ordinary or extraordinary housing member the opportunity to put the dispute or disagreement to a General Meeting to achieve a resolution.

(6) To consider and decide upon what action maybe appropriate against any homeowner whose actions have affected public property.

(7) To summon the Housing Members (Home Owners) to a General Meeting.

(8) To consider any other matters that are governed or regulated by the Rules and Regulations of the village.

(9) To appoint the Pattaya Tropical Housing Juristic Person Phase 2.

(10) To disburse and draw from the Village Fund not more than 200,000 Baht in any single transaction for any business covered by the directives and objectives of and with the resolution of a Committee meeting.

(11) To stop any modifications or alterations which affect the Public Utility Systems and/or Public Property.

(12) To cancel if deemed necessary entry and exit cards.

(13) To impose penalties and collect fines from Housing Members who breach/break the Rules and Regulations of the Village.



(14) To publicly announce the names and addresses of Housing Members who breach/break the Rules and Regulations of the Village.

(15) To file a police complaint in the event of criminal activity and/or file a civil complaint in the event of civil court action being required to collect outstanding service charge. Etc.

19. Aside from the completion of the two year term as per clause 10, any Committee is considered out of its term in the case of:

(1) Death

(2) Resignation

(3) Bankruptcy

(4) Being incapacitated or mentally ill.

(5) Not being a Housing Member.

(6) Being deprived by the Resolution of a General Meeting or by the vote of half of the number of Housing Members.

(7) Being imprisoned by the final judgment of a Thai Court except where the custodial penalty is due an offence of negligence or another minor offence.

(8) Owing the maintenance/service charge for a period of three consecutive months.

20. In the case that any Committee is out of its term prior to completing its two year term then a new Committee must be appointed by the vote and resolution of a General Meeting. The new Committee will then proceed with a new term of two years from the date of the vote and resolution at the General Meeting.

21. For any Committee meeting to be legal there must be more than fifty percent of the Committee Members present at all times. In the case that the Chairperson is unable to attend a meeting the Committee Members present will vote in a temporary chairperson to chair the meeting. A majority vote is necessary to make legal any decision, rule, regulation etc, put forward at any meeting. In the event that a vote is tied then the Chairperson or acting Chairperson has the casting/deciding vote. The Pattaya Tropical Housing Juristic Person Phase 2 Committee must post publicly the minutes of any meetings, within thirty days. This can be done by using the two public notice boards that have been provided.

22. A Committee meeting can be held at any time if called for, but must be held twice

a year. A meeting must be called by no less than one third of the Committee members.

## Section 5 - Management, Accountancy and Finances.

23. Signatures required for general, legal and financial documents:

(1) General Documents - The Chairperson must sign.

(2) A new Juristic Act, Rule or Regulation - The Chairperson plus two Committee Members must sign.

(3) Accountancy and Financial Documents - The Chairperson plus two Committee Members must sign.

24. After the Juristic Housing Person Phase 2 Committee has been established the Committee must calculate the running expenses of Phase 2 in the village and put the figures to the Housing Members for their consideration and approval at a General Meeting. The Committee must inform the Members that it will collect the Service Charge yearly at a rate of 12,000 Baht per house or if agreed by prior arrangement at a rate of 1,000 Baht per month. The Committee will begin to collect the service charge from Housing Members from the second anniversary of their properties transfer to the owner. The Committee will therefore start to collect the service charge at the beginning of the third year from the date of transfer.

25. Fines and penalties for non-payment of the Service Charge will be imposed according to the Rules and Regulations of the Land Allocation Department, Pattaya, Chon-Buri. If a Housing Member has not paid the service charge as laid out and explained in Clause 24 of these Rule and Regulations, for a period of three months, then the Committee will notify the Member of this by registered letter and/or in person. After the receipt of this information, if the Housing Member still refuses to pay then action can be legally taken. Additional letters and action can be taken at increments of three months, therefore at six months, nine months, twelve months. Etc. It must also be explained in the notification that the debts incurred are for the Public Services provided and for the Maitainance of Public Areas and Property that the Member is normally able to enjoy without prejudice. It must also be stated that the debts are not relevant to the Housing Members own, private lands and are therefore due for immediate payment to the Juristic Housing Committee Phase 2.

26. The Pattaya Tropical Housing Juristic Person Phase 2 must issue a receipt/s to the Housing Member/s for any payment received for the service charge. All receipts must be made in duplicate and their copies kept in the Office of the Juristic Person. Receipts must include the following particulars:

(1) The name of the Payee. I.E. Pattaya Tropical Juristic Housing Committee Phase 2.

- (2) Date of the receipt of the money. Day/Month/Year.
- (3) Name and Address of the Housing Member/payer.
- (4) The amount of money paid presented in numerical figures and written in letters.
- (5) A note outlining that each months expenses are up to date and collected.
- (6) A note outlining that each months fines (if any) are up to date and collected.
- (7) The signature and seal (if any) of the payee in receipt of the money.

27. Pattaya Tropical Housing Juristic Person Phase 2 Committee will impose/apply any Law, Rule and Regulation outlined herein and any Law, Rule and Regulation approved by the resolution of the General Meeting to Housing Members. In such a way that the village has a well maintained, clean and safe environment reaching the quality objectives laid down by the Housing Juristic Person Phase 2.

28. After the collection of service charges begins, as outlined in Clause 24. The Committee must make a set of approved monthly accounts and keep these accounts at the Office of the Housing Juristic Person Phase 2.

29. The Committee must approve the balance sheet and have the yearly accounts checked and audited by a licensed auditor. The Committee must then make and agree upon an expenses budget for the forthcoming year and propose this budget to a General Meeting of Housing Members for their consideration. This must be done within ninety days from the termination/closing date of the previous years accounts.

30. The Housing Members have the right to examine and/or copy any accountancy document or financial report outlined in this section. The Committee must provide any requested document as and when requested, but the Housing Member must pay any costs incurred by the Committee for providing any such document/s.

31. Pattaya Tropical Housing Juristic Person Phase 2 Committee must file a report of the village fund balance sheet and a set of audited income and expenses accounts to the Land Allocation Department, Pattaya, Chon-Buri and publicly announce the same for the Housing Members, within ninety days from the termination/closing date of the previous years accounts.

## Section 6 - The Rights and Duties of Housing Members.

32. The Housing Members consist of:

- (1) All persons who buy allocated/developed land.

(2) The Land Allocator/Developer in the case of a small plot of land which has not been sold or land that has been transferred back to the Land Allocator/Developer.

33. The Housing Members have the rights to use all Public Utilities and Public Services but must do so in such a way that they do not cause damage, distress or nuisance to the said properties/services or other Housing Members.

If any action by a Housing Member or a third party affects ten Housing Members or more then the Committee must directly file a complaint, criminal or civil, and/or be the plaintiff in the name of the affected Members.

34. The Housing Members have the duty to pay any expenses incurred from the administration and the management of public utilities and public services, yearly/monthly subject to the rate, method, place, date and time as provided for in these Rules and Regulations.

35. The Housing Members must comply with the Rules and Regulations set out herein. The Housing Members must also comply with any additional Rules and Regulations approved by the resolution of a general meeting.

36. In the case whereby a Housing Member pays the service charge as outlined in clause 34, later than the agreed date, then the Member must pay a fine as per the terms laid down by the Land Allocation Department, Pattaya, Chon-Buri. In the case whereby a Housing Member owes service charge fees later than the agreed date of payment for a period of three months, then the Juristic Housing Committee Phase 2 will do as follows....

(1) Remove the right of a Housing Member to be appointed as a Juristic Committee Member. If the Housing member is already a Committee Member then they will be removed from their position with immediate effect.

(2) The Housing Member will be excluded from all received services, public utilities and public services provided within the village.

In the case whereby a Housing Member does not pay for a period of six months continuously from the agreed date of payment, then the Committee will act as follows:

(1a) To inform the Land Allocation Department, Pattaya, Chon-Buri and have the Housing Members Allocated Land registered so that the Member can not transfer the land to another party until such a time that they pay the amount owed in full, plus any fines or penalties incurred.

(2 a) To file a Civil Action in Court to claim back all monies owed, plus Legal and Court costs.

## Section 7 - General Meeting/s.

39. The Juristic Person must hold an Ordinary General Meeting at least once a year.

40. An Extraordinary General Meeting can and will be held if:

(1) Whenever it is called for by the Committee.

(2) When no less than one third of the Housing Members file a letter requesting and outlining the reasons for calling an Extraordinary General Meeting.

In this instance the Committee must summon Housing Members for an Extraordinary General Meeting within thirty days of the receipt of the letter of request.

If the Committee do not summon the Housing Members for the meeting within the aforementioned period of time then the Housing Members have the legal right to do so.

41. With regard to a General Meeting, the Committee must send a notification letter and any related documents to each and every Housing Member giving at least fifteen days notice of the date, time, location and agenda of the said meeting.

At a General Meeting it is considered to be legal if the number of Housing Members attending is not less than one third of the total number of Housing Members.

42. In the case that minimum of one third of the Housing Members do not attend the meeting then the following must be done:

(1) If the General Meeting was held due to a letter of request from housing members, then the meeting must be cancelled.

(2) If the General Meeting was not held due to a letter of request then the Juristic Housing Committee Phase 2 must summon the Housing Members to another General Meeting which must be held within thirty days from the date of the original meeting. At the second General Meeting there must preferably be in attendance at least one quarter of the total number of Housing Members. Failing that the minimum number of Members required is ten or more, in order to make the meeting legal. Any action or resolution voted on by a majority of members at this meeting will be deemed as legal.

43. Any resolution or agreed action at a General Meeting must be agreed upon by the majority of Housing Members in attendance. In the instance where the vote is tied/equal then the Chairperson of the meeting has the deciding/casting vote.

The Chairperson has the duty to control and manage the proceedings at the General Meeting. If for any reason the Chairperson is unable to attend then a temporary Chairperson must be appointed by the Committee to manage proceedings.

44. Any Housing Member can give a written proxy to another person so that they can attend a General Meeting and vote on their behalf. However a person with the proxy vote of others can only represent a maximum of three Housing Members.

45. If at any General Meeting there is enacted any Resolution that does not comply with or breaches the Laws, Rules and Regulations, then any Housing Member is entitled to file a complaint to the Court, within thirty days of the enactment of the resolution, in order to revoke the said resolution.

46. The Housing Juristic Person is prohibited from transferring lands which are public utilities or public services areas, partly or completely to any organization, company or private individual, unless the action is approved by the vote and resolution of a General Meeting and approved by the Land Allocation Department, Pattaya, Chon-Buri.

#### Section 8 - Amendments of the Rules and Regulations.

47. The amendment of any Rule or Regulation must be approved by the vote and resolution of a General Meeting and passed by a majority vote of not less than fifty percent of the total number of Housing Members.

#### Section 9 - Merging of Housing Juristic Persons.

48. The merging of Pattaya Tropical Housing Juristic Person with another Housing Juristic Person which has adjacent land or land close by can be achieved by the unanimous vote and resolution of a General Meeting of Housing Members from both Juristic Persons.

#### Section 10 - Dissolution of Housing Juristic Person phase 2.

49. The dissolution of the Housing Juristic Person Phase 2 must be approved by the by the unanimous vote and resolution of a General Meeting of Housing Members Phase 2.