

Control of Dwelling Place and Land Lease Act, B.E. 2504 (1961)

Translation

BHUMIBOL ADULYADEJ, REX.

Given on the 6th Day of October B.E. 2504;

Being the 16th Year of the Present Reign.

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to revise the law on control of dwelling place and land lease;

Be it, therefore, enacted by the King, by and with the advice and consent of the Constituent Assembly acting as the National Assembly, as follows:

Section 1

This Act is called the "Control of Dwelling Place and Land Lease Act, B.E. 2504 (1961)".

Section 2

This Act shall come into force as from the day following the date of its publication in the Government Gazette.

Section 3

The Rent Control in the Emergency Situation Act, B.E. 2489 (1946), the Rent Control in the Emergency Situation Act (No. 2), B.E. 2490 (1947) and the Rent Control in the Emergency Situation Act (No. 3), B.E. 2497 (1954) shall be repealed.

All other laws, by-laws and regulations, insofar as they deal with the matters provided herein or are contrary hereto or inconsistent herewith, shall be repealed by this Act.

Section 4

In this Act:

"dwelling place" means a building that use for dwelling, regardless whether it is used for conducting business, trade or industry as principal or accessories part;

"land" means a land for constructing dwelling place and adjacent land of the dwelling place;

"controlled dwelling place" means a dwelling place in which the lessor and the lessee are governed by the provisions of the law on rent control in the emergency situation effective on the day of publication of this Act in the Government Gazette that has monthly rent or rent calculate in monthly not exceeding a thousand Baht per month for the dwelling place in *Changwat* Pranakorn and *Changwat* Thonburi province, and not exceeding three hundred Baht per month for the dwelling place in all municipality zone except in Bangkok City and Thonburi City;

"controlled land" means a land in which the lessor and lessee are be governed by the provisions of the law on rent control in the emergency situation which effective on the day of publication of this Act in the Government Gazette that has annual rent or can calculate rent in monthly not exceeding forty-eight Baht per a square *Wah* per annual for the land in *Changwat* Pranakorn and *Changwat* Thonburi, and not exceeding twenty-four Baht per annual for the land in all municipality zone except in Bangkok City and Thonburi City;

"Minister" means the Minister having charge and control of the execution of this Act.

Section 5

There shall be a Commission called the "Lease Control Commission" consisting of Chairman and other members not less than four and not more than eight appointed by the Minister. Such appointment shall be published in the Government Gazette.

The Minister shall appoint one member or other person to be secretary.

Section 6

At a meeting of the Lease Control Commission, if the Chairman does not attend or is not present, the members present shall elect one among themselves to preside over the meeting.

Section 7

At a meeting of the Lease Control Commission, the presence of not less than one-half of the total number of members is required to constitute a quorum.

The decision of the meeting shall be made by a majority of votes. Each member has one vote. In case of an equality of votes, the person who presides over the meeting shall cast an additional vote as casting vote.

Section 8

The Lease Control Commission have the power to appoint the Lease Control Sub-committee consisting of a Chairman and other members not less than two and not more than four, with the approval of the Minister, to perform any function in any locality as entrusted by the Lease Control Commission. Such appointment and entrustment shall be published in the Government Gazette.

In the case where there is the appointment of the Lease Control Sub-committee under the foregoing paragraph, the entrusted act of the Lease Control Sub-committee shall be deemed as the act of the Lease Control Commission.

Section 9

Section 6 and Section 7 shall apply *mutatis mutandis* to the meetings of the Lease Control Sub-committee.

Section 10

Where the Lease Control Commission have received a request for rent increase or any other request submitted under this Act, the Commission shall make a decision within sixty days as from the date received the request.

Section 11

No increase of rent for controlled dwelling place or controlled land shall be requested from the lessee, except with the permission of the Lease Control Commission.

Section 12

For the purpose of Section 11, the increasing of rent shall encompassed act with intention to amend or add the last lease contract related to such controlled dwelling place or controlled land, as follows:

- (1) causing the lessee to give the forfeit money, any property or service to the lessor or other person where the law does not required;
- (2) causing the lessee to accept any duties or obligations which the law does not required;
- (3) causing the lessee to be relieved from any duties or obligations that he had under the lease contract or the law;
- (4) causing the lessee to have the less benefit from the controlled dwelling place or controlled land than agreed or legal right of the lessor.

Section 13

The lessor of controlled dwelling place or controlled land may request for increasing of rent to the Lease Control Commission.

Section 14

The Lease Control Commission shall have the power to permit the lessor of the controlled dwelling place and controlled land to increase the rent at its discretion, by taking into account the general rent rate at the time of request by the lessor thereof. Nevertheless the Lease Control Commission shall not permit the increase of rent exceeding the following amounts:

- (1) five times of the rent that the lessor received at the date of request for rent increase, in the case that the rent was the rate the lessor had received before B.E. 2490 (1947);
- (2) two times of the rent that the lessor received at the date of request for rent increase, in the case that the rent was the rate the lessor had received from B.E. 2490 (1947) to B.E. 2495 (1952);
- (3) one time of the rent that the lessor received at the date of request for rent increase, in the case that the rent was the rate the lessor had received after B.E. 2495 (1952).

Section 15

In the case where the Lease Control Commission has an order to permit the lessor of the controlled dwelling place and controlled land to increase or deny the increase of rent, the right to request for increase of rent of such lessor shall be lapsed and can not request for increasing the rent over again.

Section 15 bis

After five years as from the day this Act comes into force, the Lease Control Commission has the power to permit the lessor of the controlled dwelling place and controlled land to increase the rent exceeding the rate prescribe in Section 14 when requested by the lessor of the controlled dwelling place and controlled land, but the increased rent shall not exceed the rent of the uncontrolled dwelling place and land which have the same condition and location, without regard to whether the rent had previously been increased under Section 14, and the provision in Section 15 shall not apply thereto.

Where the lease Control Commission issue the order to dismiss the request of the lessor of the controlled dwelling place and controlled land under paragraph one, right to request for increasing the rent shall be lapsed and can not request for increasing the rent over again.

Section 16

In the performance for consideration of the request submit under this Act, the Lease Control Commission shall have the power as follows:

- (1) to summon lessor or any other person as necessary to give statements related to such dwelling place and land;
- (2) to summon lease contract, rent receipt and other documents related to the lease from the possessor;
- (3) to inspect the leased dwelling place or land from sunrise to sunset.

Section 17

The lessor of controlled dwelling place and controlled land has no right to cause the lessee to surrender the use or the benefit in the leased property, which the lessee used or have the benefit in the leased property on or after the date this

Act come into force, even thought there is no leased contract or contract period has expired, except in the cases as follow:

- (1) the lessee is in default of two successive payments, unless the leased contract prescribed otherwise and more preferable for lessee;

- (2) the lessee use the leased property for purposes other than those which have been provided for in the leased contract which may cause damage to the leased property and the lessee does not comply within the reasonable period to the notice by the lesser;
- (3) the lessee sublets the leased property without consent from the lessor; (4) the lessee does not take care of the leased property as a person of ordinary prudence would take of his own property;
- (4) had the consent from the lessee;
- (5) when the Lease Control Commission considered that it is necessary and giving a consent in the case where original lessor or assignee of ownership of the leased property needs to dwell in leased property;
- (6) when the Lease Control Commission considered that it is necessary and giving a consent in the case where the controlled dwelling place was defective to the level that it must be rebuilt or repaired in the way that a person cannot dwelling while it is under construction or in the case where the lessor want to take down for rebuilt according to the city plan, country development or public order;
- (7) when the Lease Control Commission considered that it is necessary and give a consent in the case where the lessor of controlled land want to change the condition of land from controlled land to the land for constructing any building in accordance with city plan, country development or public order, or use as a place of business benefiting the country development or public order. The land possessor shall accept to pay and paid the expenses for take away the building to the lessee whom must take away the building out of controlled land for the amount prescribed by the Lease Control Commission;
- (8) where the Lease Control Commission considered that it is appropriate and giving a consent for benefit of public utility, public benefit, and state interest.

Section 18

In the case where lessee of the controlled dwelling place or controlled land dies, and any person in his or her family who remain dwelling in leased property while the lessee died makes an offer to continue the lease by notify in writing within thirty days as from the day the death of the lessee, such person shall be deemed as a lessee.

Section 19

The related lessee and the lessor of controlled dwelling place or controlled land may appeal the Lease Control Commission order issued under this Act to the Minister within fifteen days as from the day of his or her being aware of such order.

The decision of the Minister shall be final.

Section 20

The lessor shall not demand or accept a forfeit money or other property having the same characteristic as forfeit money from the lessee or a person who made an offer for lease the dwelling place or land, regardless whether it is an controlled dwelling place or controlled land or not.

The provisions of the foregoing paragraph shall not apply to case of demanding of forfeit money or other property having the same characteristic as forfeit money from a person who offer for lease a new dwelling place or the dwelling place that never been leased or the leased property that has previously never been given the forfeit money or other property having the same characteristic as forfeit money.

Section 21

The provisions of Section 11 and Section 17 shall apply for not later than eight years as from the day this Act comes into force.

The foregoing paragraph shall not effected criminal offence in violation of Section 11 while remaining in force.

Section 22

Any person who violates Section 11 or Section 22 shall be liable to a fine not exceeding ten thousand Baht.

Section 23

The Minister of Interior shall have charge and control of the execution of this Act, and shall have the power to issue Ministerial Regulations prescribing fees, for submission of request to Lease Control Commission and appeal not exceeding fifty Baht a time.

Such Ministerial Regulations shall come into force upon their publication in the Government Gazette.

Countersigned by

Field Marshal S. Dhanarajata

Prime Minister

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