

A Property Division Survey in Thailand

BY GUNTER BELLACH, O.L.S. (ret.)

Last year I had the opportunity to be the client for a survey for a piece of land destined to be the site of my future part-time retirement home, rather than the surveyor. This, at a location in the rural Northeast of Thailand, almost exactly opposite in longitude to my previous locale of operation in Ontario. The purchase of the land, of course, eventually required a survey, which had duly been applied for at the local office of the Department of Lands several months earlier. There are no private land survey firms in this country. All legal limits of land have to be established by a surveyor of the Department, which then produces the official plan of the land holding.

"The surveyor's life here is more satisfying ... the client is expected to produce transportation and lunch for the crew."

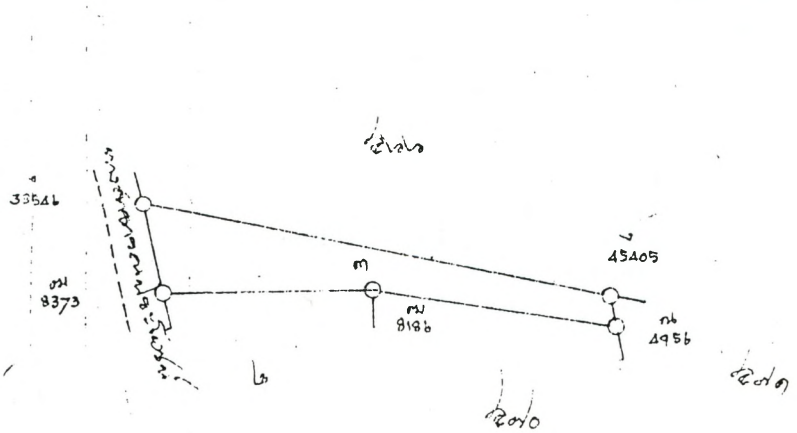
Finally the day appointed for the survey had arrived. The flat fee for the service of 2000 Baht (1 Can\$ = 20 baht by exchange rate, or 1 Can\$ = about 5 baht measured in average earning power here) had been deposited with the application. Quicker service is available (request to delivery of final plan about two weeks) if a special fee is paid - perhaps four times the normal fee. Two weeks before the appointed day, notices advising adjoining owners of the impending survey had been sent to the present owner of the land for distribution by hand to them. It was his responsibility to return signed receipts for these notices to the department prior to commencement of the field work. Otherwise the surveyor might not show up, not wanting to expose himself and his crew to the wrath of the local dogs (which incidentally here have more bark than bite). The surveyor's life here surely is more satisfying than it is in

Canada, at least in the rural areas, because the client is expected to produce transportation *and* lunch for the crew. So at the start of the working day we had to present ourselves at the department's office with a 'tuk-tuk' (three-wheeled motorcycle taxi) into which six concrete survey posts, a theodolite and tape were loaded, and which provided passage for the surveyor and his assistant. In preparation of the surveyor's arrival, the land owner had exposed all the existing survey posts and cleared the brush so that they were easily visible. I noted with satisfaction that in this village location *all* posts were in place, undisturbed, and their location well known to all the owners concerned. In a new land division like this, all the surveyor had to do was to verify the position of the existing posts and plant additional ones for the new lines. The posts used are standard semi-conical re-inforced concrete cylinders about 50 cm long, 6 cm diameter at the top, wider at the bottom. On the top is embossed the name of the department, of the province and a distinctive identifying four digit number. The numbers used on a particular survey are not necessarily consecutive. While a duplication of this four digit number may occur within the same municipality it will not

occur on the same property or in its near vicinity.

After arrival, the surveyor inspected the existing posts, had the intended new division lines pointed out to him and authorized the owner to plant the newly required posts. The new street line post was put on line visually without the aid of the theodolite, while new posts on interior property lines were placed in the fencelines, which from visual inspection appeared to be reasonably straight.

It should be noted that the new lines were determined solely at the discretion of the owner and buyer. There were *no* land division approvals needed, nor any minimum areas, frontages, clearances to be satisfied. In Bangkok itself, or the larger provincial capitals it may be different, but here out in the countryside, though still within the municipal district limit of a small provincial capital, anything goes. The house had already been half-built, on the basis of trust, and on a signed and witnessed offer of purchase and receipt of money. Next the surveyor proceeded to construct a closed traverse skirting through the buildings and banana plants, marking it temporarily with oversized chaining pins, which served also as sighting pickets. From the stations of the traverse all existing and new



MINDING YOUR BUSINESS

monuments were observed, either by theodolite and distance or by two intersecting distances. A thin steel tape was used to measure the distances. The tape was graduated in units unknown to me, each of which equalled exactly 40 cm. The precision used was one decimal, which equalled a precision of observation of four cm. No plumb bobs were used either for chaining nor for sighting. Surprisingly the angles were doubled and observed to one second of arc precision. Prior to declaring the survey completed, which lasted a total of less than two hours field time, the surveyor sat down and closed his angles. Now being finished and a bit early for lunch, he and his assistant were easily persuaded to sit down in the shade of a tree, to wait for an early lunch to be prepared, and to while away the time with a couple of beers. I brought out my laptop, to try to remember the requisite commands of TOPOS to close his traverse. After a couple of false tries I succeeded and found his misclosure to be in the order of 1:3500, quite adequate for a rural survey, and considering the comparative laxity in obtaining distance measurements. I noted that the presentation of results here is much like what it is in many central European countries. The official plan is to scale, shows an exact area, but no lengths or directions, nor any of the voluminous information we are familiar with on survey plans here. No evidence, derivation of bearings, legends, 'cautions', copyright notes. What a saving in drafting time, even if it is automated! The numerical information, of course, is all there in the records of the department and, as the surveyor assured me, it is adequate to detect whether any of the existing monuments had been dislocated by dissatisfied owners or by the forces of nature. Even in Europe, distances, building ties etc. in a cadastral survey are only quoted with a precision of one decimetre. This is quite adequate when one remembers that the legal boundary fabric is integrated to a larger network of control, which is homogeneous and reasonably exact. Those individual property boundary measurements are *not* needed to support the overall fabric.

The surveyor's last instructions were for the owner to obtain the requisite signatures of all adjoining owners and that of the headman of the village on a document accepting the physical boundaries resulting from the survey. Two adjoiners were present and signed on the spot (one had to be gotten from work, and his transportation and lost wages paid). The other two had to be contacted later as they lived elsewhere. A good practice this, I think, going a long way towards avoiding future boundary disputes. But then, it would take a lot of work away from lawyers. Lunch was soon ready, a delicious Tom Yam Gai (spicy sour chicken soup) with rice and assorted vegetables to be dipped in hot sauce, all washed down by iced Singha beer. My Thai language capabilities are decidedly limited and the surveyor's English was equally so. However, we were able to exchange some ideas. He was a native of Bangkok, had attended survey school there for five years, and he was quite happy to have been posted to this up-country provincial capital (population of 40,000). Life here was much more easy-going, the people are not pre-occupied with the rat race and the pollution and traffic chaos of the metropolis unknown. I doubt too that in Bangkok he would have a free lunch provided by each client.



Guenter Bellach retired from active OLS membership in 1991. In November of that same year he bought and outfitted a 29-foot sailboat in San Francisco and sailed it singlehandedly across the Pacific Ocean to Thailand, where he plans to spend the remaining years of his life. He divides his time between living on his boat in the Phuket area in southern Thailand and the Northeast of the country where he is building a part-time retirement home for himself and his new Thai family. He has been returning to Canada during the more amenable months of the year to earn some income, when possible. His Thai address is P.O. Box 436, Phuket 83000, Thailand, potential charterers, please note.

