

The complaint

Mr A complains that Alpha Real Property Investment Advisers LLP trading as Time Investments (Time) has suspended a fund in which he has money invested.

What happened

In late 2023 Mr A tried to sell his investment in the ARC TIME Freehold Income Authorised Fund (the fund) however this wasn't possible as the platform he was using showed error messages.

Mr A contacted the platform provider who said there had been a corporate action on the fund, so he then contacted Time for further explanation.

Time issued a final response letter which contained a lot of explanation and background about why the fund had been suspended. The underlying reason was because the independent valuer expressed *material uncertainty* about the fund, so it was suspended with no end date known.

Remaining unhappy Mr A brought his complaint to our service where one of our Investigators looked into what happened. They thought Time were allowed to suspend dealings in the fund. And while understanding the difficult position this caused for Mr A, they thought Time hadn't acted unfairly when suspending the fund.

Mr A disagreed saying his hard earned money had been blocked and that Time should have a moral responsibility toward investors.

Because an agreement couldn't be reached the matter has come to me for a decision.

What I've decided – and why

I've considered all the available evidence and arguments to decide what's fair and reasonable in the circumstances of this complaint.

Mr A has provided a lot of information about the complaint and it's clear how strongly he feels about what happened. I want to assure Mr A that I've read and considered everything that has been provided even if I don't mention it all in detail. I've summarised some things which reflects the informal nature of our service.

I think it's important to say that we are not the regulator; that is the Financial Conduct Authority (FCA). Our role is an informal dispute resolution service who looks into individual complaints to see if we think the business has acted fairly and reasonably. And having looked at the actions of Time, I think they have done so in this situation.

I know having the fund suspended is frustrating for Mr A as he says the investment was needed to pay the mortgage on a property. However Time has acted correctly when suspending the fund and followed the information set out in the prospectus.

The corporate action information given to Mr A by the platform provider in November 2023,

along with a letter from Time dated 26 June 2024, gave a detailed explanation of the suspension and how it came about. And I'm satisfied these explanations are a fair reflection of the situation so I won't go over all the detail again here as this has been given to Mr A.

The prospectus says that the fund may be suspended when it is in the interest of all the Shareholders, as long as it is justified. It goes on to say when the Independent Valuer expresses *material uncertainty* about something that applies to at least 20% of the fund Time will, as soon as possible, suspend the fund. And that's what has happened here.

Due to the nature of the fund it was affected by government consultation regarding the Leasehold and Freehold Reform Bill. Time says that *material uncertainty* applies to around 80% of the fund's assets, which is quite a way above the 20% limit for a suspension to apply.

Time are acting on information from the Independent Valuer and have no choice but to suspend the fund based on the level of *material uncertainty*. This is explained in the prospectus.

The suspension is being monitored by Time with updates being given to the platform provider. There is no time limit for the suspension, and I can understand why this is frustrating to Mr A as his investment is effectively frozen and has seemingly gone down in value since the issue started. However as long as the Independent Valuer says there is material uncertainty the suspension will remain in place.

Having carefully considered everything that happened I'm satisfied Time acted fairly and reasonably when dealing with Mr A so won't be asking them to take any further action.

My final decision

For the reasons I've explained above, my decision is that I do not uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr A to accept or reject my decision before 21 August 2025.

Warren Wilson

Ombudsman