

The complaint

Mrs H complains that she has been unable to access her investment fund with Alpha Real Property Investment Advisers LLP (trading as Time Investments) and that they've unfairly applied an ongoing charge despite the fund being suspended.

Mrs H is represented in this case, but to keep things simple, I will refer to Mrs H in my decision as she is the complainant.

What happened

Mrs H holds investment in the ARC Time Freehold Income Authorised Fund with Time Investments, but she has been unable to access this as the fund had been suspended. She says she wants to liquidate this as she is a small investor, and this fund represents 60% of her life savings. She also complains that an ongoing charge for the fund is being applied despite it being suspended.

In their final response letter on 13 January 2025, Time Investments said :

- The funds are regulated by The Financial Conduct Authority (FCA) and were required to suspend the fund. They go into detail here to explain why the account was suspended, so I won't repeat this again here.
- All investors were notified in November 2023 of the suspension.
- Updates on progress with the fund has been ongoing.
- Regular valuations and statements were provided to all their customers.
- The ongoing charges were to pay for the administrative costs and for the services they provide such as online account access, valuations, support and statements. They say they are still expected to provide administrative services even when the account was suspended so the ongoing charges continues to accrue.
- The ongoing charges are a percentage of the net asset value of the fund, so if the fund's value drops, then the charges would also be reduced accordingly.
- They didn't uphold her complaint.

Unhappy with this response, Mrs H brought her complaint to this service. To resolve this, she would like the ongoing charges to be removed or at least significantly reduced.

An investigator here considered the complaint and didn't uphold it. He was persuaded that Mrs H had received the benefit of services from Time Investments even whilst the account was suspended. She had received quarterly statements, regular valuations as well as updates on any changes to the fund, so they were entitled to charge this fee. As Mrs H didn't agree with the investigator, this came 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.

Whilst I may not address each point individually, I would like to reassure Mrs H that I have

considered all the information provided including more recent communications, and reached what I think is an independent, fair and reasonable decision based on the facts of this case.

I understand that Mrs H feels the account was suspended and so she was not able to withdraw from this service so I fully appreciate how frustrating this must be for her. But I should also be clear in saying the requirements to suspend the fund was set by the FCA. Time Investments were under an obligation to comply with the regulatory requirements set which included that the fund must be valued by an independent valuer once a month. The valuer has expressed "Material Uncertainty" about at least 20% of the value of the scheme property which means they must suspend dealing in the fund.

The fund's prospectus deals with this type of fund suspension where it affects at least 20% of the value. The fund suspension has been reviewed every 28 days since suspension in November 2024. So, I am satisfied that Time Investments' actions were simply in compliance of their regulatory obligations.

The prospectus is clear that Time Investments were entitled to apply these charges. The evidence shows they have continued to provide statements and were also required by the FCA to conduct regular valuation reviews. Given that they have continued to provide a service to Mrs H, and incurred a cost in doing so, I think it is fair that Time Investments would apply this ongoing charge.

I've also considered that Mrs H believes this to be an excessive amount when looking at the fee against the fund value. As I have explained above, Time Investments was entitled to apply an ongoing charge. This was charged as a percentage of the fund value so the amount she is paying correlates directly with the value of the fund. The evidence shows they have been clear and transparent in applying this fee.

I know Mrs H will be disappointed with my decision and appreciate how strongly she feels about what has happened with this fund. However, my role here is to be impartial in making my decision and I must also consider that Time Investments were still expected to provide a service despite the fund being suspended so it is fair and reasonable that Mrs H should contribute to this. For these reasons, I am satisfied Time Investments have not done nothing wrong and don't need to do anything to put things right.

My final decision

For the reasons given above, I do not uphold this complaint against Alpha Real Property Investment Advisers LLP (trading as Time Investments).

Under the rules of the Financial Ombudsman Service, I'm required to ask Mrs H to accept or reject my decision before 22 August 2025.

Naima Abdul-Rasool
Ombudsman