

The complaint

Mr C complains PayPal (Europe) Sarl et Cie SCA has not refunded him for an item he paid for but didn't receive.

What happened

Mr C brought an item from a seller and used PayPal to pay for it. Mr C paid approximately £220 for the item but says he didn't receive it.

Mr C says he spoke to the delivery company but they told him the seller needed to raise the issue with them directly. But the seller wouldn't communicate with Mr C.

Mr C says he registered a claim with PayPal. He says PayPal rejected his claim because the seller had provided evidence of delivery. Mr C says the evidence is a photograph of the parcel outside his block of flats and a tracking number.

Mr D subsequently complained. PayPal looked into his complaint. It didn't uphold it and told Mr C the seller had provided PayPal with tracking information that showed the item was successfully delivered. And so the case was decided in the seller's favour.

PayPal said it was satisfied the item was delivered to Mr C's front porch. And its user agreement stipulates a purchaser doesn't qualify for a refund under its buyer protection if the seller has provided proof of delivery. PayPal said there was no error and the claim was closed correctly since the seller provided tracking information.

Mr C wasn't happy with the response received from PayPal and so brought his complaint to this service. One of our investigator's looked into his concerns. He upheld the complaint as PayPal hadn't provided evidence the item had been delivered since the photograph showed the parcel outside a porch when Mr C lives in a block of flats and doesn't have a porch. The investigator also said PayPal hadn't taken Mr C's version of events into account when looking into the claim.

PayPal said it would be unfair to uphold the complaint since PayPal weren't responsible for the delivery, and Mr C should direct his complaint to the courier company. And so the case has been passed to me for review.

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.

PayPal's user agreement includes protection for buyers. It provides for buyers to be able to claim their money back where goods they have purchased haven't been received.

After Mr C raised his claim with PayPal the seller provided tracking information in response to the claim. The tracking information provides details of the address, date, and time of delivery. There is also an accompanying photograph showing a parcel leaning against what

appears to be an exterior wall with a closed door in the background. The delivery information says the parcel was left in the porch. As a result PayPal closed the claim.

But Mr C says he doesn't have a porch since he lives in a block of flats. And the photograph doesn't explicitly show the parcel was delivered to Mr C's address. So I don't think what the seller has provided counts as evidence of delivery since Mr C's version of events is entirely possible. Even when taking the seller's evidence into consideration.

PayPal has also argued Mr C should direct his complaint to the courier since it acts as a payment service and is not responsible for delivery. But as the investigator explained, the seller has a contract with the courier company and not the buyer. And so I would expect the seller to contact the courier.

Mr C and PayPal provided a copy of the tracking update received from the delivery company. But I don't think it shows the item was delivered to Mr C's address. The difficulty I have is I don't have enough evidence to safely say the item was delivered to Mr C. The trail leads to what appears to be the entrance of the block of flats. But it's not clear.

I understand that since our investigator issued his view of Mr C's complaint the seller has provided Mr C with a replacement item. But Mr C asked for an ombudsman to review his case in any event. He says he only received the replacement because of the numerous calls and messages he made to the seller, rather than any assistance from PayPal.

Putting things right

Given the inconvenience to Mr C in trying to deal with his missing parcel I think PayPal should pay him £50 for the distress and inconvenience caused to him.

My final decision

So for the reasons set out above I'm upholding Mr C's complaint against PayPal (Europe) Sarl et Cie SCA.

I direct PayPal to pay Mr C £50 in resolution of this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr C to accept or reject my decision before 26 August 2022.

Kiran Clair
Ombudsman