

## **The complaint**

Mr K has complained TSB Bank plc is pursuing him for repayment of an overdraft which was the result of two transactions he didn't make in December 2024.

## **What happened**

Mr K noticed transactions he didn't recognise on his TSB account and contacted TSB.

TSB felt they had sufficient evidence to show Mr K had most likely authorised these transactions and wouldn't refund him. They also decided to close Mr K's account and pursue him for repayment as these two disputed transactions used all of Mr K's overdraft provision.

Unhappy with TSB's response, Mr K brought his complaint to the ombudsman service.

Our investigator believed that TSB's evidence was convincing and felt Mr K must have set up mobile banking and then used this to authorise two transactions.

Mr K was upset with this outcome and thought this wasn't fair. He continued to believe that the IP addresses used for these transactions demonstrated this couldn't have been him.

## **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.

Having done so, I've reached the same conclusion as our investigator. I'll explain why.

Where there is a dispute about what happened, I have based my decision on the balance of probabilities. In other words, on what I consider is most likely to have happened in the light of the evidence.

It's worth stating that I can choose which weight to place on the different types of evidence I review, including technical evidence, provided by financial institutions along with complainants' persuasive testimony.

When considering what is fair and reasonable, I'm required to take into account: relevant law and regulations; regulators' rules, guidance and standards; codes of practice; and, where appropriate, what I consider to have been good industry practice at the relevant time.

The regulations which are relevant to Mr K's complaint are the Payment Services Regulations 2017 (PSRs). These primarily require banks and financial institutions to refund customers if they didn't make or authorise payments themselves.

Having reviewed the evidence, I believe there is sufficient to show that Mr K authorised these disputed transactions. I say this because:

- Mr K opened this account in November 2024 and registered for internet banking straightaway. This account had a £2,000 overdraft facility. There was no use of this

account for a couple of weeks. I'm confused at why Mr K would be opening an account without plans for its use.

- Mr K has told us he was having difficulties logging onto his account. On 7 December he set up a new user ID, as evidenced by an email from TSB to his email address. TSB's evidence then shows numerous attempts to log in on 9 December using this user ID. Mr K was able to successfully log in at 13:10. There's then an email to Mr K's email address at 17:08 from TSB confirming a new user ID being set up. Mr K definitely received this email as he provided this within his evidence package to our service. This ID was then used to set up the mobile app, access the mobile app and authorise two payments of £1,940 and £60 at 17:15.
- Mr K has told us he retained his mobile device throughout so it's hard to see how the transactions could have been made without the use of the one-time passcode sent to Mr K's registered mobile, unless he actually gave this to a third party.
- I'm aware that TSB questioned Mr K about what may have been going on here. Mr K has denied he allowed anyone else to use his account or was acting as a money mule. It's possible that Mr K was encouraged to set up this account on behalf of a third party, or in fact just allowed a third party to use his account. I say this because it's very difficult to see how an unknown third party would even have known Mr K had opened an account without his involvement.
- Mr K has been keen to tell us that the IP address evidence shows inconsistencies as the address related to the set-up of the app and transactions doesn't reflect his home location. I've considered this but none of the IP address evidence – including the original set up – reflects Mr K's home address but he's not disputed these activities. Whilst we do use IP addresses to help us review transactions, in this case I don't believe this indicates what Mr K wants it to.

Mr K has stressed what the PSRs say around these kinds of disputed transactions. I'm aware of the contents of the regulations and have taken these into account when I consider what the evidence shows.

I appreciate Mr K's strength of feeling that he didn't authorise these transactions but overall, I am satisfied there is enough evidence to indicate that he either made or authorised these transactions.

I won't be asking TSB to do anything further.

### **My final decision**

For the reasons given, my final decision is not to uphold Mr K's complaint against TSB Bank plc.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr K to accept or reject my decision before 23 March 2026.

Sandra Quinn  
**Ombudsman**