

## **complaint**

Mr Y has complained PayPal Europe Sarl & Cie, SCA, didn't refund him for transactions he didn't authorise.

## **background**

In July 2016 Mr Y used his PayPal account to buy some goods online. He was unhappy when he received these goods because he felt:

- The shipping costs were extortionate;
- The goods weren't as described; and
- He'd been sent and charged for more goods than he'd ordered.

The seller wouldn't accept these goods back so Mr Y had originally tried to contact the shopping platform the seller used. He didn't get any response and brought his complaint to us. We told him we couldn't look at complaints about the shopping platform but we could look at complaints about PayPal and whether they'd treated him fairly.

PayPal wrote to Mr Y to confirm he could pursue his complaint with the shopping platform. Mr Y got an answer from them to say their moneyback guarantee didn't cover the transactions he'd made. They felt he'd received the goods he'd ordered. Mr Y didn't think this was the case at all and came back to the ombudsman service.

Our adjudicator couldn't understand why PayPal wouldn't assist Mr Y even though they had a Buyer Protection policy and it appeared Mr Y had exhausted the shopping platform's complaints process. However she didn't think this would necessarily have resulted in Mr Y being fully refunded. She asked PayPal to pay him £75 for how his complaint was managed.

PayPal still felt Mr Y should make a formal claim using their Buyer Protection policy, which he hadn't done but were willing to pay £75 to resolve the complaint. Mr Y initially was going to accept this offer. But felt he was substantially out of pocket so refused it. His complaint has been referred to an ombudsman.

## **my findings**

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 adjudicator. And for roughly the same reasons.

When Mr Y initially brought his complaint to us, he was wondering whether we could deal with his complaint about the shopping platform. He felt he'd been complaining for months but got no response. I can understand how irritating this must have been. But, as we told him, that business is not regulated by the Financial Conduct Authority and we don't look at how they manage complaints.

PayPal's response was to tell Mr Y they couldn't intervene in claims he'd made against the shopping platform. But PayPal allows their customers to make claims for items not being as they were described. And they could have sent Mr Y details of their policy and how to make a claim – particularly as there are time limits for making those. I can't see they ever tried to help Mr Y. I appreciate they feel Mr Y should have exhausted other complaints procedures. But I believe he'd done that by the time the shopping platform rejected his complaint.

Therefore, like our adjudicator, I think it's fair they pay him a small amount in compensation. I agree £75 is fair.

I can't know for sure if Mr Y had submitted any claim through PayPal, he would have got the cost of his goods reimbursed. I think it's likely this would have been difficult. Mr Y had returned the goods to the seller before any involvement by PayPal. So I don't think it would be fair to ask PayPal to pay back all the money for the goods Mr Y returned.

Mr Y is understandably angry and feels he's been deliberately mis-sold goods by a company, including some items which he never even ordered. But I don't think it'd be fair to expect PayPal to do anything further about this.

### **my final decision**

For the reasons I've given, my final decision is to instruct PayPal Europe Sarl & Cie, SCA to pay Mr Y £75 as a small way to put things right.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr Y to accept or reject my decision before 9 November 2017.

Sandra Quinn  
**ombudsman**