

The complaint

Mr R complains about eBay Commerce UK Ltd (“eBay”) holding his funds after it limited his account and couldn’t verify his identity.

What happened

Mr R’s account was limited after eBay said it checked his details and there was a discrepancy with the personal details it held. eBay said that the identification document used to open the account didn’t match the bank account details being used. So, it limited Mr R’s account and held funds from some recent sales.

After eBay held Mr R’s funds for the limitation period, it decided that as Mr R hadn’t satisfied its identification process, it would keep hold of the funds. So, Mr R logged a complaint.

eBay looked into the complaint but didn’t uphold it, so Mr R brought his complaint to our service.

Our investigator looked into the complaint and thought it should be upheld. Our investigator found Mr R had given a plausible reason why he had used different personal details when he opened the account. Our investigator also found Mr R had done enough to evidence he held the bank account linked to the eBay account where the money would be paid.

eBay didn’t agree with the investigator’s view. So, the complaint’s been passed to me for a final 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.

Having done so I intend to uphold this complaint for the same reasons as the investigator. I’ll explain why.

Firstly, eBay have decided to close Mr R’s account. Mr R doesn’t appear to be complaining about this, so it’s not something I’ve looked into as part of this complaint. Mr R is unhappy eBay have held on to his funds after it closed his account, and that is something I’ve looked into as part of my investigation and decision I’ve reached.

It’s worth noting that the problems here appear to have started when Mr R set up an account in someone else’s name. Although Mr R may have had his own reasons for doing this, it is against eBay’s policy and terms of use, so I can understand why eBay may have made the decision to close the account. I also understand why they now have concerns about now paying any further funds to Mr R. But as part of my investigation, I’ve thought about whether Mr R has done enough to evidence he set up, owns and was managing the eBay account in question and whether the bank account that’s linked is in fact his.

Mr R has been able to supply bank statements, a bank card and screenshots of the account linked to the eBay profile. He has also sent information to show that he has access to the

email account linked to the eBay account. So, on balance I think Mr R did set up the eBay account in question but used different personal details to his own. The primary delivery address used for purchases also matches that of Mr R's.

In summary and in the circumstances of this complaint, I'm satisfied that eBay should exercise some discretion and pay the remaining funds to the account linked to the previous profile. As I'm satisfied Mr R has done enough to evidence it was most likely his account.

Putting things right

eBay should pay the balance to the bank account linked to the eBay profile.

My final decision

My final decision is that I uphold this complaint and instruct eBay Commerce UK Ltd to pay Mr R in line with the above direction.

Under the rules of the Financial Ombudsman Service, I'm required to ask Mr R to accept or reject my decision before 23 December 2023.

Tom Wagstaff
Ombudsman