

The complaint

Ms B complains about how PayPal (Europe) Sarl et Cie SCA dealt with a dispute.

What happened

Ms B says she made two purchases for just over £35 and £46 from the same business but via its own website and from a website I will call "E". She says she asked for the second purchase via E to be cancelled but was charged for it. Ms B says she received the first purchase but not the second and the seller provided PayPal with the delivery details from the first order of £35. She would like the money refunded and for PayPal to look at its process for this sort of complaint.

PayPal doesn't accept making a mistake. It says Ms B made the first payment of £35 then raised an "item not received claim" before closing it. It also says Ms B made a second purchase for £46 before raising a claim for that but says it was given tracking information providing evidence the item had been delivered.

Ms B brought her complaint to us, and our investigator didn't uphold it. The investigator thought it possible both items had been delivered at the same time using the same reference. The investigator didn't think it possible to be sure it had been agreed that Ms B would receive a refund for the £46 purchase.

Ms B doesn't accept that view and says both items were not in the one delivery and says she has now been refunded which must provide evidence of that.

My provisional view

I issued a provisional view and said I came to the provisional view that I didn't require PayPal to do anything further in the circumstances of this complaint. But I had reached that view for different reasons to those of the investigator and thought it would be fair to allow both sides to comment further on this view if they wished.

I said I had no reason to conclude that both items were in the same delivery and accepted that the seller had not suggested that either. I made that clear as I appreciated that was an important part of Ms B's complaint here.

I looked through all of the documents about the dispute and the delivery details. I said I am sure Ms B appreciates that PayPal was given information that, on the face of it, provided evidence the disputed item was delivered. I could see that the tracking information was from the first delivery (£35) and not the disputed one for £46. But I couldn't fairly hold PayPal responsible for that as it was provided that information which on the face of it did confirm a delivery from the relevant seller. I accepted that Ms B explained the position to PayPal, but I thought it was reasonably entitled to conclude from the evidence that it received, not to proceed with Ms B's complaint.

Overall, my provisional view was that the problem was caused not by PayPal but by the seller providing incorrect delivery details. I could see that Ms B has been refunded the

money which I thought provided additional evidence that Ms B didn't receive the second purchase and that the seller must now accept that.

I appreciated Ms B would like PayPal to change the way in which it operates and to modify its appeal process. I said I understand her frustration here as it was clear it was not Ms B's fault for what took place and that she tried unsuccessfully to explain what had taken place. But we are not PayPal's regulator and it's not our role to direct it about the way in which it operates. I accepted that with the benefit of looking back over this complaint, matters could have been dealt with more appropriately, but overall thought PayPal was reasonably entitled to conclude at the time the item had been delivered.

Ms B has replied to my provisional view and says PayPal's process is at fault and says she gave information to it from the seller. She also maintains both items were not in the same package.

PayPal has not replied.

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 have come to the same overall view that I reached in my provisional view and for the same reasons. I make clear that I accept both items were not in the same package or delivered at the same time. I also accept that Ms B is not at fault here and appreciate her frustration with what took place. But as I made clear in my provisional decision it's not our role to direct a business about its process as here or direct it to change the way in which it operates.

My final decision

My final decision is that I don't uphold this complaint.

Under the rules of the Financial Ombudsman Service, I'm required to ask Ms B to accept or reject my decision before 14 November 2023.

David Singh
Ombudsman