

**27.11.2 LUBA Procedures/Rules – Service – Intervention/ Participation.** The ORS 197.830(7)(a) 21-day deadline for filing a motion to intervene, which is strictly enforced, is a *filing* deadline, not a *service* deadline. *Housing Land Advocates v. City of Happy Valley*, 73 Or LUBA 405 (2016).

**27.11.2 LUBA Procedures/Rules – Service – Intervention/ Participation.** OAR 661-010-0050(2)(e) requires that the moving party who files a motion to intervene must contemporaneously serve a copy of the motion to intervene on all parties. Where the moving party fails to contemporaneously serve a copy of a motion to intervene, and that failure does not result in prejudice to any party's substantial rights, the moving party will be given a chance to correct the service error before the moving party is dismissed from the appeal. *Housing Land Advocates v. City of Happy Valley*, 73 Or LUBA 405 (2016).

**27.11.2 LUBA Procedures/Rules – Service – Intervention/ Participation.** Intervenor's failure to file a motion to intervene within 21 days of the date the notice of intent to appeal (NITA) was filed does not require denial of the motion where petitioner failed to serve the NITA on intervenor, as required by OAR 661-010-0015(3)(i). *Ford v. Jackson County*, 50 Or LUBA 359 (2005).