

**27.11.3 LUBA Procedures/Rules – Service – Record and Objections.** When an intervening party is aware that the record has been filed, but fails to obtain a copy of the record in time to object and does not demonstrate why such a failure justifies a further delay in the appeal, untimely objections to the record will be rejected. *Mountain West Investment v. City of Silverton*, 38 Or LUBA 938 (2000).

**27.11.3 LUBA Procedures/Rules – Service – Record and Objections.** Where the city serves a copy of the record on petitioner via delivery on her doorstep, pursuant to petitioner's agreement with the city, the city's failure to serve the record on petitioner personally or to a person at petitioner's house does not violate OAR 661-010-0075(2)(b) or toll the date on which the petition for review is due. *Peebles v. City of Wilsonville*, 34 Or LUBA 235 (1998).

**27.11.3 LUBA Procedures/Rules – Service – Record and Objections.** Although LUBA's rules distinguish between transmittal of the record, which is accomplished by actual delivery to LUBA, and service of the record on a petitioner, the rules do not distinguish between service in person or by first-class mail, under OAR 661-10-075(2)(b)(B), in determining when a copy of the record is served on a petitioner, as required by OAR 661-10-025. *Terrace Lakes Homeowners Assoc. v. City of Salem*, 29 Or LUBA 532 (1995).

**27.11.3 LUBA Procedures/Rules – Service – Record and Objections.** Petitioner's not serving a record objection on respondent until five days after it was filed with LUBA is a technical violation of LUBA's rules and, since respondent filed a timely response to the record objection, respondent's substantial rights were not prejudiced by the rule violation. *Schmaltz v. City of Hood River*, 21 Or LUBA 563 (1991).