



November 6, 2024

Dear City Clerk,

Re: Demolition of the former Tivoli auditorium and lobby structures. Notes: This property is protected by two designation by-laws: By-law No. 90-255 (lobby) and By-law No. 04-256 (auditorium). This Heritage Permit application to demolish under Part IV of the Ontario Heritage Act will require review and advice by the Hamilton Municipal Heritage Committee and a decision of Council.

**SUMMARY: I'm drafting this letter in opposition to the proposed demolition of the Tivoli Theatre.**

I could draft a novel on this property, but will keep it as brief as possible as I touch on the following:

1. Personal history;
  2. Tivoli ownership history during my lifetime;
  3. Building owner next door and across the street; and
  4. Event operator
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1. Personal History. I have a long history attending events, running cultural event and, at one time in the early 2000s, submitting an offer to purchase from the former owners Canadian Ballet Youth Ensemble (CYBE) and Sam The Record Man (STRM). Between the theatre operating as a movie cinema and the space being used as a rental facility for events; Sonic Unyon promoted and produced many music concerts including Godspeed You! Black Emperor, Hayden, and several Sonic Unyon-promoted Christmas and anniversary shows in the late '90s and early 2000s. It is a unique venue and the only remaining century-old theatre downtown. Our city's new-builds-are-best mindset and negligent developers have demolished all the others. This is our last remaining vintage venue and should be restored to add to the vibrancy of

James Street North and our City's downtown. Don't let the last of its kind be demolished.

2. Tivoli Ownership History. During my business lifetime in Hamilton, the ownership of the theatre was variously in the hands of Sam The Record Man, CBYE, the Diamante family, and current ownership, Iron Point/Aventus Development Corp. After the bankruptcy of STRM and subsequent neglect of the buildings, the street-facing buildings on James St N collapsed (southside) in on themselves and the façade/lobby needed to be removed. Sonic Unyon staff and I heard the building's wall collapse from our offices across the street at 22 Wilson St and later watched as the remaining James St N buildings were torn down. The theatre was "sold/gifted" to the not-for-profit corporation CYBE (through tax credit from the City of Hamilton to STRM) who unsuccessfully ran campaigns and poorly attempted to bring this building back to life. It was then purchased by the Diamante family's development corporation, who were the principals of the CYBE by marriage. The original purchase by the CBYE was a gift to enable the NFP an opportunity to renovate the building, bringing it back to life as operators and tenants. Gifted the property, the CYBE then turned around and sold it to "themselves" – a for-profit development company – while letting the property sit with the bare minimum of investment over many, many years. Recently, the Diamantes profited heavily from the property's sale to its current owner. There is no doubt that past owners and new owners never had any intention of renovating the heritage-designated property; this was a strictly for-profit venture. Both development companies are in the business of development so pleading ignorance regarding the cost of renovations and maintenance of an historic building is no excuse. These are experts in their fields and have millions of dollars at their disposal — skills and funds that should be used for public good as stewards and good citizens of our community as it relates to the Tivoli.
3. Building Ownership. As an owner of property in the James St N area, I'm concerned with the lack of respect shown to this property. I currently am an owner and property manager of the following properties: 118 James St N (directly next door to Tivoli), 91-93 James St N, 97-109 James St N, and 15 Vine St. All of these properties will be directly affected by the demolition and possible redevelopment of the site at Tivoli, as well as the corner property owned and proposed by the new ownership group. As an owner and steward of all the properties listed above, I have a vested interest in the community. I have spent millions of dollars over my lifetime restoring and bringing these properties back to life. All of our properties have been fully restored, received awards from the City of Hamilton and are fully tenanted. We care about downtown Hamilton along with many other responsible developers in the area (including but not limited to Core Urban, Liuna, Indwell and many other individual community members who have and continue to do respectful work in our city). We expect the Tivoli ownership group to follow the example of the best-in-class in our city.

4. Event Operator. As one of Hamilton's cornerstone event promoters, we feel the restoration of the Tivoli is essential to the fabric of the community. We are the operators of Mills Hardware (10 years), Bridgeworks (4 years), Supercrawl (16 years), Because Beer (11 years), have facilitated the 2021 and 2023 Grey Cup festivals, Hamilton's JUNOfest and Pan Am Games closing celebrations (2015), and have brought thousands of music shows to the city. All these events have occurred in downtown Hamilton where the core of our tourism development occurs. The Tivoli space should be a key pillar in support of future tourism.

The series of events and ownership neglect that have occurred to this property over the last 20 years is shameful and appalling. I'm concerned about the lack of care and diligence from our city and the property owners in Hamilton and have spent my life attempting to facilitate positive change in the city, alongside other caring community-minded developers. It is not only the current owner's responsibility but the past owners' wilful neglect that has led us to the current situation. All responsible parties need to be held accountable for the current state of affairs.

Please, I urge the city to act responsibly and deny this demolition by neglect application.

Thank-you

A handwritten signature in black ink, appearing to read 'Tim Potocic', with a large, stylized flourish at the end.

Tim Potocic  
*President/Owner, Sonic Unyon Records*  
*Community Advocate*